SENATE—*Friday, May 3, 1968*

The Senate met at 12 o'clock noon, and was called to order by the President pro tempore.

Dr. Fred Calvert, society steward, Limavady Methodist Church, Londonderry County, North Ireland, offered the following prayer:

Almighty God, our gracious and loving Father, we ask Thy blessing upon this assembly today. We thank Thee for the power that this mighty Nation holds in the world. We thank Thee for its vitality, its youthful eagerness.

We thank Thee for the rich heritage of its citizens, many of whose forefathers have come from my own land of Ireland, from the north and from the south.

Today there is still war and distrust between nations. There is even distrust between the people that make up this great country.

We pray God that the elected leaders will be so inspired and guided by the example of Thy love and especially by Thy humility that barriers will be broken down, that all men may be true brothers and live in harmony not only here in America but ultimately throughout the world.

May the actions of each one present here today be as in the words of this verse:

"Forth in Thy Name, O Lord, I go
My daily labours to pursue
Thee, only Thee, resolved to know
In all I think or speak or do."

Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, May 2, 1968, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Bartlett, one of its reading clerks, announced that the House had passed a bill (H.R. 15856) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and administrative operations, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (S. 2745) to provide for the observance of the centennial of the signing of the 1868 Treaty of Peace between the Navajo Indian Tribe and the United States.

HOUSE BILL REFERRED

The bill (H.R. 15856) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and administration operations, and for other purposes, was read twice by its title and referred to the Committee on Aeronautical and Space Sciences.

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that statements in relation to the transaction of routine morning business be limited to 3 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

EXTENSION OF AUTHORIZATION TO MAKE APPROPRIATIONS FOR ALLOCATIONS AND GRANTS FOR THE COLLECTION AND PUBLICATION OF DOCUMENTARY SOURCES SIGNIFICANT TO THE HISTORY OF THE UNITED STATES

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1081, S. 2060.

The PRESIDENT pro tempore. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 2060) to amend section 503(f) of the Federal Property and Administrative Services Act of 1949 to extend for a period of 10 years the authorization to make appropriations for allocations and grants for the collection and publication of documentary sources significant to the history of the United States.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Government Operations, with an amendment, on page 1, at the beginning of line 6, strike out "fourteen" and insert "nine"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 503(f) of the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended (44 U.S.C. 393), is amended by substituting the word "nine" for the word "four" in the phrase "for the fiscal year ending June 30, 1965, and each of the four succeeding fiscal years".

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1099), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The proposed legislation would extend for a 5-year period the existing authorization provided in Public Law 88-383 of July 28, 1964 (44 U.S.C. 393(d)-(h)), which provides for a program of allocations to Federal agencies and grants to State and local agencies and to nonprofit organizations and institutions for the collecting, preserving, and publishing of documentary sources significant to our Nation's history.

BACKGROUND INFORMATION

This program originated with the National Historical Publications Commission, established pursuant to section 503 of the Federal Property and Administrative Services Act of 1949, and was submitted to the Congress as part of the legislative recommendations of the General Services Administration in 1963.

On March 11, 1964, hearings were held on the original legislation introduced by Senator John L. McClellan, by request, by a special subcommittee of this committee under the chairmanship of Senator Claiborne Pell.

That legislation, enacted as Public Law 88-383, July 28, 1964, authorized the Administrator of General Services, within the limits of appropriated and donated funds, to make allocations to Federal agencies, and grants to State and local agencies, to colleges and universities, and to other nonprofit organizations and institutions, for collecting, describing, preserving, compiling, and publishing documents which are basic to an understanding and appreciation of the history of the United States.

The act requires the Administrator to seek the advice and recommendations of the National Historical Publications Commission prior to making any allocations or grants.

Public Law 88-383 authorized a 5-year historical documents program with appropriations not to exceed $500,000 for each fiscal year through June 30, 1969.

Thus far $1,373,197 has been expended from appropriated funds and $4,805,064 from donated funds.

The General Services Administration advises that, in spite of the very considerable impetus which the Commission has given to documentary publications, a great backlog of worthy projects remain untouched. Therefore, GSA originally sought an extension of the program for another 10 years at the present level of authorized funding—as proposed in S. 2060 as introduced. This 10-year extension was requested in this fourth year of the present 5-year program, because the Commission felt that it was handicapped in considering projects requiring long-term planning. After due consideration, however, the committee decided that a 5-year extension would be adequate at this time and amended the bill accordingly.

This proposed legislation is part of the legislative program of the General Services Administration.

The title was amended, so as to read: "A bill to amend section 503(f) of the Federal Property and Administrative Services Act of 1949 to extend for a period of five years the authorization to make appropriations for allocations and grants for the collection and publication of documentary sources significant to the history of the United States."

PRESIDENT RENEWS PLEA FOR TAX INCREASE

Mr. MANSFIELD. Mr. President, at his press conference, President Johnson once again put before Congress and the Nation the urgent need for a tax increase immediately.

At stake is the strength of our dollar, the state of our balance-of-payments deficit, and the health of our economy.

For over 7 years this Nation has known

a sustained economic growth and prosperity unparalleled in our history and undreamed of by other countries. But this phenomenal expansion was obtained only by prudent management and firm guidance from the President and from the Congress.

Today much that we have built in the last 7 years is threatened by inflationary pressures which show no sign of abatement. Yet we have the economic tool to meet the fiscal challenge—a modest tax increase.

Certainly no tax increase is ever welcome, but it is often necessary. Certainly in an election year no legislator relishes voting for higher taxes, but we must act when the national interest is so vitally at stake.

Labor leaders, business executives, leading economists—liberal and conservative, Democratic or Republican—are nearly unanimous in their support of the President's tax increase.

Prudence in spending—yes. Deliberation—yes. But action—yes.

We can afford to delay no longer. The eyes of the Nation and of the international monetary community are on the Congress.

We must fulfill our responsibility as trustees of the public faith. Whether we have the courage to put our fiscal house in order will decide the fate of our economy. We should, and I hope we would, work together with the President, act together, and act now.

We cannot fail, for the price of failure is too high.

SENATOR HARRIS: A MAN CONCERNED ABOUT RESEARCH, POVERTY, INDIANS

Mr. MANSFIELD. Mr. President, in the April 26 issue of Science magazine is a most interesting article paying a well-deserved tribute to the distinguished junior Senator from Oklahoma [Mr. HARRIS], entitled "Senator HARRIS: A Man Concerned About Research, Poverty, Indians."

This is an excellent article by Bryce Nelson, whom many of us know.

I ask unanimous consent that the article, which goes into great detail concerning the many qualifications and abilities of our distinguished colleague, be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SENATOR HARRIS: A MAN CONCERNED ABOUT RESEARCH, POVERTY, INDIANS

(By Bryce Nelson)

Oklahoma's Fred Harris, 37, has been in the U.S. Senate for little more than 3 years, but already he has achieved a position of visibility and influence surpassing that of many of his more senior colleagues. The latest indication of his political prominence is the 18 April announcement that he would serve as one of the two leaders (the other is Senator Walter F. Mondale) for Hubert Humphrey's presidential campaign. It is apparent that Humphrey feels that Harris' support is worth a lot to his candidacy and, in view of Harris' vitality and shrewdness, Humphrey's judgment is correct.

At the same time that Harris maintains his firm ties with the Johnson-Humphrey wing of the Democratic party, he remains on cordial terms with the other Democratic candidates. Harris says he has "very close friendships" with the other two Democratic candidates—Senators Robert F. Kennedy and Eugene J. McCarthy—and that any of the three could help "knit the country back together again" if elected President.

In recent weeks, Harris has been widely mentioned as a possible Democratic vice-presidential nominee, especially on a ticket led by Kennedy. Not only has Harris been close to Robert Kennedy in his views on domestic issues, but his very different social and geographical origins would nicely complement Kennedy's. Also, in the case of either Kennedy or McCarthy, the choice of an Administration supporter such as Harris would be a welcome gesture of conciliation to that important portion of the Democratic party which will support Hubert Humphrey's candidacy.

Like his mentor Humphrey, Harris has long seemed a man in a hurry. Married at 19, a father at 20, Harris was elected to the Oklahoma State Senate at 25, the minimum age for membership in that body. When he left the State Senate, after 8 years, he was still its youngest member. In the U.S. Senate today, Harris, at 37, is the second youngest member; only Edward M. Kennedy, 35, is younger.

Mere accession to positions of political prominence does not guarantee political power. This is especially true in the U.S. Senate, where it is assumed that the most junior members will be seen rather than heard, and where power is formally distributed in accordance with length of service. Those who wish to achieve visibility early in their Senate careers must studiously manufacture their opportunities.

Fred Harris has been highly ingenious in manufacturing his opportunities. A prime example of this ingenuity was his creation of the subcommittee on government research during his first months in the Senate. After having requested assignment to the Government Operations Committee in 1965 as a way to learn about a wide range of federal activities, Harris volunteered to do some of the committee's oversight work on research. Harris noted that no Senate committee had government-wide jurisdiction over government-sponsored scientific research. "I saw some gap there," Harris commented in an interview with Science. He quickly moved to fill that gap by suggesting to the chairman of the Government Operations Committee that a special subcommittee on research be created. The chairman, John L. McClellan (D-Ark.), agreed. In Congress, the man who suggests the creation of a new committee or subcommittee often gets appointed its chairman, and so it was with Harris.

It is hard for a freshman member of Congress to get any important publicity and consequent influence, but Harris has been able to get an appreciable amount of attention through his research subcommittee, especially in scientific and academic circles. He has held hearings on a wide variety of research-related topics, including recent sessions on the moral and economic implications of human organ transplants and the implantation of artificial organs. He has attained special standing among social scientists for his hearings on, and sponsorship of, a bill to create a National Social Science Foundation. One advantage of such a Foundation, Harris argues, would be to "give the recognition, status, visibility and prestige the social sciences need." Harris' growing familiarity with the social sciences helped prepare him for his role in the study of a great national problem which recently brought him further attention. At the height of last July's urban riots, Harris joined his friend Mondale in suggesting the establishment of a "Special Commission on Civil Strife." Shortly after the proposal had been delivered to the White House, President Johnson phoned to say that such a body would be formed, that it would be called the National Advisory Commission on Civil Disorders, and that Harris would be named one of its members.

At the time this commission of 11 "moderates," headed by Illinois governor Otto Kerner, was set up, there was much speculation that its report would be a bland document in which the views of the white "establishment" would be amply represented. Instead, the report turned out to be a forthright analysis of "white racism" and the ghettos it had helped produce. Although all members of the commission signed the document, Harris is generally credited with having been one of the members who was most forceful in developing a hard-hitting report. One man close to the commission states that Harris placed much emphasis, in the commission's deliberations, on the need to identify white racism as the sickness at the heart of the ills of American society. This same observer, who regards Harris as having been the most influential member of the commission, says that Harris also had a special role in the formulation of the recommendations on the welfare system and on jobs and job training.[1]

Harris was effective because he always did his homework, kept quiet while other people were talking, and came from a background which lent credence to his remarks: "If Harris could come to feel so strongly about these urban problems, coming from a white rural area, then anyone could, other commission members concluded," this source indicated. Harris was also reported to have had, because of his own economic background, a special feeling for the plight of the urban poor. At one point in the commission's discussion of the investigation of welfare recipients, Harris is reported to have exclaimed, "I've been poor and I can tell you that being poor is punishment enough!"

Harris began life during the Depression, which hit the agricultural Great Plains with special severity. He was the son of a sharecropper who lived near the town of Walters, in southwestern Oklahoma. "I come out of as abject poverty as you can imagine," he cheerfully recounts now, and says that he began working in the fields at the age of 5. A friend from Oklahoma recalls how the whole Harris family "contracted out" as wheat harvesters for many summers, following the harvests from Oklahoma north. During high school Harris began work as a "printer's devil," and later he put in 35 hours a week as a printer at the university press while attending college and law school at the University of Oklahoma at Norman.

Harris married LaDonna Crawford, who is half Comanche, a year after graduation from high school. Harris is said to speak Comanche with a fair degree of proficiency, and his wife says he can do the Indian war dances better than she can. While at Norman, Mrs. Harris worked full time to help support her husband's university studies.

Majoring in political science, Harris was elected to Phi Beta Kappa in his junior year. In law school he led his class each year and was editor of the law review, working meanwhile for the university press and serving as research assistant to the dean of the law school. Not long after graduating from law school in 1954, Harris established his own law firm in Lawton, a city of about 75,000 in southwestern Oklahoma, not far from his birthplace. Before being elected to the State Senate in 1956 he was defeated for the Oklahoma House of Representatives. "His rule has been, if you're defeated for one office, try for the next higher one," one associate comments.

[1] The Commission report is now available for $2 from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. This version is larger with somewhat larger print than the paperback edition published by Bantam Books for $1.25.

In 1962 Harris lost a bid for the Democratic nomination for governor, but during the campaign he managed to visit every area in the state, and he made a surprisingly strong showing. This statewide exposure proved useful in 1964, when Harris defeated senatorial incumbent J. Howard Edmondson in the primary and went on to polish off his popular Republican opponent, Oklahoma football coach Bud Wilkinson, in the general election, being elected to a special 2-year term. Harris was reelected to the Senate by a sizable margin in 1966.

Most of those who have watched Harris believe he has come along so fast primarily because he works so hard. However, he has other qualities which have helped him politically—a lively sense of humor, a highly developed ability to recall facts and ideas, and a disciplined and highly inquisitive mind.

One associate recalls that he once mentioned Aristotle in a conversation with Harris: "Tell me about Aristotle, he said, and then we were off on an exhausting hour's conversation about Aristotle." After being appointed to the Senate Finance Committee, Harris invited several scholars to give him individual 2-hour tutorials on aspects of foreign trade.

From all accounts, Harris is a voracious and rapid reader. "I read *Science, Scientific American, Foreign Affairs,* and about any popular magazine you can think of. I even read the backs of cereal boxes," he notes. Harris says he averages about three books a week, but only reads "about two novels a year."

If he is ever defeated for the Senate, Harris says, he would like to spend his time "writing and teaching." He was, reportedly, pleased to have had his name suggested for the presidency of a state university in the Southwest. "I guess all politicians like to lecture," he grinned, "We really are sort of teachers, at heart."

Harris is already writing his own books. He recently finished his "personal view" of his work on the Civil Disorders Commission, which will be published in late May by Harper and Row. Staff members swear that he wrote the book himself on weekends. He is also working on two books which emanate from his subcommittee hearings, one on "health, science, and society" and another on "disadvantage and deprivation." He says that there are several other books he would like to write—one on five outstanding Senators, another on the American Indian, a third on Latin America.

SIMILARITY TO KERR

In political ability and energy, Harris has often been compared to that one-time Senate potentate from Oklahoma, the late Robert Kerr, who brought his state much-needed federal largesse through power on the Public Works and Finance Committees. Harris originally served on Public Works; when appointed to the influential Finance Committee, he had to choose whether to give up Public Works or his seat on the Government Operations Committee, together with his chairmanship of the government research subcommittee. He overruled pressure from some of his Oklahoma supporters who wanted him to keep his seat on Public Works, and kept his seat on the Government Operations Committee.

Harris says he likes his work on the government research subcommittee, and that it has greatly enhanced the "rich education" which he says he has received "at the public expense." He thinks that his subcommittee has had three main impacts in its 2 years of existence:

"First, it has greatly increased attention to the social sciences within the federal government, and has resulted in additional funds.

"Second, there has been a great change within the scientific establishment on the question of equitable distribution of R & D funds around the country. There haven't been many results, but there has been a change in attitude. Now people recognize it as a problem. The spending of R & D funds has an educational impact and an economic one. I don't believe in dismantling existing centers of excellence but, rather, in supplementing them.

"Third, more and more people are coming to believe in a goals-oriented health policy. They're coming to that position after being reassured that such a policy will not be implemented to the detriment of basic research. A lot of people are concerned that we aren't doing better in health. This change of attitude, however, hasn't brought much change in results yet."

Recently, Harris has begun wondering whether it would not be better to have his government research subcommittee "phase out and die," to be replaced by a joint House-Senate study committee on science and technology, somewhat along the lines of the Joint Economic Committee. Harris emphasizes that he hasn't refined his thinking on these matters but has been asking himself, "Is there any way without sacrificing the values of our pluralistic scientific system, to bring more coherence into our scientific policy? We don't want the kind of scientific system the Soviet Union has, but we do need more planning, a more goals-oriented policy."

Even though Harris will be spending a portion of his time on research hearings in forthcoming months, it is apparent that his other activities, especially those on the Civil Disorders Commission, where he experienced at first hand the intense anger and hostility of an increasing portion of the residents of city ghettos, have had a much more profound effect on his recent thinking. "I feel very alarmed and depressed about conditions in this country," the usually buoyant Harris says. "What really worries me is the fragmentation of this country into black and white, rich and poor, old and young."

Harris' supporters don't believe that his participation on the civil disorders commission will do him any good politically at present in Oklahoma (which is more than 90 percent white), but Harris thinks the conclusions of the report have to be confronted whatever their immediate political consequences. "Racism is a fact of American life," he said quietly; "it is an ugly fact but we have to see it to deal with it." Even more impressive than Fred Harris' other important attributes is his capacity to face the grimmest aspects of our national life squarely while retaining the determination to do something to change that reality.

POLISH NATIONAL HOLIDAY

Mr. DIRKSEN. Mr. President, May 3 is a Polish national holiday, and everywhere citizens of Polish origin in many countries commemorate the Polish May 3 Constitution Day. I ask unanimous consent that the statement of the Polish American Congress, Inc., be printed in the RECORD at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY THE POLISH AMERICAN CONGRESS, INC.

MAY 3—THE POLISH NATIONAL HOLIDAY

On May 3rd Poles everywhere and citizens of Polish origin in many countries celebrate a Polish national holiday—the Polish Third of May Constitution Day.

In the United States, wherever Americans of Polish descent live, in cities and towns from coast to coast, this holiday is observed with appropriate exercises throughout the month of May to pay tribute to the Polish nation and to remind fellow Americans that Poland was one of the first pioneers of liberalism in Europe.

It was on May 3rd in 1791, barely two years after the adoption of its Constitution by the United States in 1789, that Poland without a bloody revolution or even without a disorder succeeded in reforming her public life and in eradicating her internal decline. But this great rebirth and assertion of democracy came to the Poles too late and did not forestall the third partition of Poland in 1795 by Russia, Prussia and Austria.

POLAND PIONEERED LIBERALISM IN EUROPE

The greatness of the May Third Polish Constitution consisted in the fact that it eliminated with one stroke the most fundamental weaknesses of the Polish parliamentary and social system. The Poles raised this great moment in their history to the forefront of their tradition rather than any one of their anniversaries of glorious victories or heroic revolutions.

We Americans who have been reared in the principle given us as a birthright by the founders of our great Republic, the principle of the sovereignty of the people in the state, which is the primary postulate in the 1791 Polish Constitution, can see how this truism cut off the Poles and the Polish political tradition completely from both the Germans and the Russians, who have been reared in the principle of state, and not national, sovereignty.

The light of liberalism coming from Poland was then, as it has been throughout the years that followed and even unto today, a threat to tyranny and absolutism in Russia and Germany. In 1795 Russian and Prussian soldiers were sent to Poland to partition and rape her. In 1939 Russian and Prussian soldiers met again on Polish soil, as the absolute totalitarianism systems of nazism and communism again felt the danger of true liberalism coming from Poland just as in 1791.

In the Polish Third of May Constitution this liberalism was formulated in these words:

"All power in civil society should be derived from the will of the people, its end and object being the preservation and integrity of the state, the civil liberty and the good order of society, on an equal scale and on a lasting foundation."

AMERICAN AND POLISH CONSTITUTIONS SIMILARLY INSPIRED

The philosophy of government discernible throughout the Third of May Polish constitution leads one to believe that the American people and the Polish people had each drawn inspiration for their respective constitutions from the same source .

Meditation on the anniversary of May the Third deepens the faith and heightens the courage of every Pole and of every American of Polish origin. It reminds all Americans of Poland's destiny in the history of mankind, and prophesies the ultimate triumph of justice, even though Poland once more has been deprived of her independence, sovereignty and her territory by one of our former allies, Soviet Russia, with the consent of other United Nations.

Mr. LAUSCHE. Mr. President, today marks the 177th anniversary of the proclamation and adoption of Poland's Constitution of 1791, one of the most liberal and progressive pieces of legislation of 18th century Europe.

That the Poles raised this great moment in their history to the forefront of their tradition rather than any one of their anniversaries of glorious victories or heroic revolutions is indicative, I think, of the high value they place on the pursuit of democratic ideals.

The Polish spirit of liberalism can be seen in the words of its May 3 Constitution:

All power in civil society should be derived from the will of the people, its end

and object being the preservation and integrity of the state, the civil liberty and the good order of society, on an equal scale and on a lasting foundation.

Unfortunately, the liberal spirit expressed in this Polish Constitution presented too great a threat to the forces of tyranny and absolutism. In 1795 Russian and Prussian soldiers were sent to Poland to partition and rape her. Due to the valiant fighting of her volunteer armies, Poland regained her freedom in 1918. But again in 1939 Russian and German soldiers met on Polish soil and effected another partition of Poland, as the world was plunged into the holocaust of World War II. Poland today still struggles under the yoke of her oppressors, and the spirit of liberalism is but a dream in the hearts of the oppressed.

Mr. President, I join the 10 million Americans of Polish descent in reaffirming America's faith in the right of all people to determine the form of government under which they want to live. Let us hope that the time is near in which international justice will be meted out by mysterious forces of history and that the spirit of liberalism expressed in their May 3 Constitution will again become a living reality for the people of Poland.

Mr. MONDALE. Mr. President, Poland's Constitution of 1791 was adopted on May 3 of that year. Today Polish Americans celebrate May 3 as their national holiday.

Although the United States Constitution and the Polish Constitution of 1791, both liberal and progressive for their day, erected the structure for national governments, the history of government under them has met with different fortunes.

The winds of change are being felt again in Poland. Thousands of Polish students are protesting against stringent Communist Party control of cultural affairs. In the past months, the Government has been forced to blame growing student demonstrations on "Zionists." It now appears that the charges of "Zionist" provocation have been a part of an internal power struggle.

Criticism of Polish leadership may result in the same type of liberalization seen in recent months in Czechoslovakia and Rumania. The growing sense of nationalism and independence within the countries of Eastern Europe can bring the conditions for a freer, more enlightened Poland.

Mr. GRIFFIN. Mr. President, today, all Americans of Polish descent celebrate Polish Constitution Day, commemorating the adoption of the Polish Constitution of 1791.

This historic document was written and published at a critical period. The continental powers had annexed large sectors of Polish territory when, to save the nation, all forces in Poland united to formulate a new constitution.

Patterned after the U.S. Constitution, the Polish document was the first of its kind in Europe. A limited monarchy was established, class distinctions and privileges were removed, and religious freedom was extended.

Down through the years, the Polish Constitution of 1791 has remained a cherished declaration of belief in human justice and free expression.

Despite almost constant encroachment by hostile powers, Poland has a long and glorious history. It has outlasted the rule of czarist, Hapsburg, and Prussian empires. I believe it will surmount the present barriers which stand in the way of realizing the basic human rights first enunciated in the 1791 Constitution.

In its time, the Polish Constitution was probably considered radical and untenable. But today, the document is honored all over the world as a landmark in the long march toward human freedom and justice.

I am proud to join my colleagues in Congress to pay tribute to Americans of Polish heritage on this significant occasion. I have faith that, in the spirit of the 1791 Constitution, the Polish people in Europe will once again be masters of their own destiny.

TRIBUTE TO A VALIANT PEOPLE

Mr. PROXMIRE. Mr. President, this is a day of great significance for people of Polish origin everywhere. May 3 marks the proclamation and adoption of Poland's Constitution of 1791, which was one of the most liberal and progressive documents of its kind in history. It was adopted barely 4 years after the United States, in 1787, had adopted its own Constitution.

The philosophy of government in the 3d of May Polish Constitution makes it evident that the American people and the Polish people had each drawn inspiration for their respective Constitutions from the same enlightened sources.

That fact no doubt had an influence on the fervor of President Roosevelt's accolade to a brave Poland besieged by enemies on every side during World War II. He called this land "the inspiration of nations."

Sadly, the Communist dictatorship in Poland abolished May 3 as the national holiday of Poland. The celebration of this day is left to Poles living abroad and their descendants.

The 1968 national holiday of the Polish people coincides with other significant events in Poland's history. This year will be the 25th anniversary of the tragic death of Gen. Wladyslaw Sikorski, free Poland's wartime leader and statesman; and the 50th anniversary of the rebirth of the Polish Republic after one and a half centuries of partition and foreign subjugation. In 1918, Poland regained her independence and freedom, due to the valiant fighting of her volunteer armies under Pilsudski and Haller, the efforts of Ignace Jan Paderewski, and the diplomatic skill of Roman Dmowski.

Unfortunately, Poland did not enjoy her independence for long. Her traditional enemies, Germany and Russia, had, within 20 years, effected another partition and plunged the world into World War II.

The hope of all of us is that Poland will again return to the Western family of nations as a free, independent, and sovereign state. The Polish national anthem declares: "Poland is not lost." We speak here today in an effort to keep that hope alive.

HUMAN RIGHTS AND A EUROPEAN SETTLEMENT

Mr. DIRKSEN. Mr. President, beginning April 22, through May 13, conferences on human rights are being held. "Human Rights and a European Settlement" is the subject of a memorandum by the Assembly of Captive European Nations. I ask unanimous consent that this memorandum be printed in the RECORD.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

EAST-CENTRAL EUROPE AND INTERNATIONAL DEVELOPMENTS—HUMAN RIGHTS AND A EUROPEAN SETTLEMENT

(Memorandum by Assembly of Captive European Nations, Mar. 5, 1968)

In these days of swift historic changes, the problem of Europe has become submerged by crises and complex issues in other parts of the world. It has, however, been the firm belief of the Assembly of Captive European Nations that a general relaxation of world tension is incumbent upon a Europe united in freedom. A Europe cleft in two would continue to generate perennial strife and contention hardly conducive to achieving the over-all objective of binding Europe's wounds and "making it whole again." It is unlikely that workable long-range solutions to the world-wide conflicts can be found and implemented until the problem of Europe finds a satisfactory solution.

Yet the quest for "normalizing" the situation in Europe is confronted with a number of endemic problems. A Europe divided and composed, side by side, of legitimate governments and of regimes ruling by force alone would know no lasting peace. Genuine stability and respect for human rights can be achieved only when all the members of the European family of nations are represented by freely elected governments which deal with one another in mutual respect and not from fear. The situation in Europe would not be "normalized" by recognizing the *Status quo*. Such a move would defeat the very object of trying to foster a valid European settlement and would inject into European developments an element of permanent uncertainty.

There are, however, currently available options, which could help stimulate change and lead to a Europe reflecting the basic needs and aspirations of all the people in the area.

A key to a Europe based on respect for human rights is self-determination. One of the major forces shaping the events of our time, self-determination allows a people to decide under what type of domestic institutions they desire to live and what alliances they wish to enter into. A country free to shape its own destiny and exercising full national sovereignty represents a component of stability on which a larger regional grouping can be built. Conversely, a nation deprived of its rights to charter its future and prisoner of an unpopular self-perpetuating system is a constant source of internal ferment and upheavals.

In ACEN's view, it is therefore deemed essential that an integrated Europe be built on and around the principle of self-determination. As self-determination is an integral part of fundamental human rights, observance of these rights would generate a climate in which the rule of law would take precedence to force and vested interests.

The year 1968, proclaimed Human Rights Year by the United Nations as well as by the President of the United States, offers fresh opportunities for helping foster fundamental human rights in East-Central Europe and thus bring closer the day when the peoples of East-Central Europe will again sit

together as equals with the other nations of Europe.

THE INTERNATIONAL YEAR FOR HUMAN RIGHTS

The International Year for Human Rights opens up new vistas for a closer look at the pressing problem of fundamental human rights in East-Central Europe and for a timely initiative to make the implementation of these rights an objective of Western policy.

Key meetings on human rights scheduled for 1968 provide a ready forum for such an initiative by the West. There is the United Nations Conference on Human Rights, to be held April 22-May 13, in Teheran, Iran, followed later in the year by special meetings of the Council of Europe and other international bodies. The United Nations calendar on observances of the Twentieth Anniversary of the Universal Declaration of Human Rights also indicates heightened interest in a just and impartial application of the rights of man to people in all parts of the world.

Any Western initiative in bringing the issue of human rights in East-Central Europe to international attention would be amply justified on both moral and legal grounds.

Under the United Nations Charter, all member states "pledge themselves to take joint and separate action" to promote "Universal respect for, and observance of, human rights and fundamental freedoms for all. . . ."

These fundamental human rights were systematically clarified in the Universal Declaration of Human Rights, adopted unanimously by the U.N. General Assembly on December 10, 1948. By voting for the Declaration all member states in effect assumed collective and individual responsibility to help safeguard man's inherent right to freedom, dignity, and equal justice.

That human rights and fundamental freedoms including the sovereign right of each nation to live under a system of government of its own choosing is succinctly set forth in Article 21 of the Universal Declaration, which says:

(1) Everyone has the right to take part in the government of his country directly or through freely chosen representatives.

(2) Everyone has the right of equal access to public service in his country.

(3) The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

In the debates in the United Nations on the Covenants of Human Rights, the right to self-determination has often been called the foundation on which all other rights rest; if self-determination is denied, no other right is secure.

Yet as 1968 ushers in the Twentieth Anniversary of the Universal Declaration, suppression of free speech, free press, and free assembly reflects the continued contempt of the Communist regimes for the rights of East-Central Europe's 100 million people. At the same time, recent developments in East-Central Europe indicate that the time is propitious for assisting the people in their quest for the restoration of their basic rights and freedoms.

The Communist system is confronted with built-in problems and deep-seated strains. Czechoslovakia has recently become the scene of a vigorous vocal protest against the regime's repressive policies. The struggle for liberalization reached a climatic moment at the stormy Fourth Congress of the Czechoslovak Writers' Union held in Prague at the end of June, 1967. Some authors sharply condemned the Party's domestic and foreign policy, its interference in the internal affairs of the Union, curtailment of the freedom of opinion, and strict censorship. Party leadership responded with swift retaliatory measures. In Poland the growing opposition of the intellectuals to the regime has been brought into sharp focus in recent court trials of writers and university professors, and by mass students demonstrations against censorship of literary works. The Warsaw demonstration of February 5, 1968 resulted in 50 arrests.

These and similar developments throughout the Communist orbit mirror the urgent need and rising demand for freedom of thought and expression, denied by the regimes to the intellectuals and other citizens alike. It is significant that although the intellectuals remain economically dependent on the regime's favor and caprice, they dare question the official ideology. Moreover, they are furnishing the masses with a "consciousness" of injustice—a crucial motivating force of change.

The intellectuals in the captive countries must be made aware that their humanist protest is supported by the free world. It is therefore deemed essential that the plight of the intellectuals—who also speak for the peasants and the workers—be fully aired at meetings and conferences held in conjunction with the International Year for Human Rights.

The growing demand for economic expertness has given rise in East-Central Europe to social groups whose professional interests conflict with those of the Communist elite. Technological progress has often been known to undermine the socio-political position of the groups in power. Recent developments in East-Central Europe have shown that a regimented political system, such as the Communist state, is increasingly hard put to adjust itself to the demands of the dynamics of change. Since the Communist state apparatus has failed to make substantive changes within its existing institutions, the new conditions attendant on economic expansion are placing severe strains on an apparatus evolved from a rigid ideological order.

With the gradual departure of the "Old Guard" and the advent of a new generation of more pragmatic East-Central Europeans, the lever of Western economic superiority could be used more effectively than ever before. In helping stimulate the trend toward change, however, it should be made clear that the intent and objective of Western policy is to provide assistance to the East-Central European peoples and not to the Communist regimes as such.

APPEAL FOR WESTERN ACTION

The fate of East-Central Europe, and its inevitable impact on European and international developments, is of vital interest to the free world. If the East-Central European peoples remain confident in the restoration of their fundamental human rights, they will continue pressing with renewed vigor for further change and liberalization. To help maintain their morale, it is essential to bring their plight to full-scale international attention at appropriate world forums.

For the past 14 years, the United Nations Human Rights Commission has addressed itself to the task of preparing covenants that would transform the Universal Declaration into a binding convention and endow it with the proper machinery to ensure the implementation and enforcement of human rights.

In the absence of operative United Nations covenants, it is of special importance that the free world continue to exert its political and moral influence on behalf of the East-Central European peoples.

The International Year for Human Rights provides a ready opportunity to raise the issue of the denial of self-determination and the violation of fundamental human rights of the 100 million people of East-Central Europe.

The Assembly of Captive European Nations therefore appeals to the free nations of the world:

(a) To raise the question of the implementation of human rights in East-Central Europe at the United Nations Conference on Human Rights in Teheran, and at all meetings and commemorative assemblies held in conjunction with the observance of the Twentieth Anniversary of the Universal Declaration of Human Rights;

(b) To use every opportunity to press the Soviet Union and the Communist regimes of East-Central Europe to restore to the peoples of these countries the full enjoyment of the rights and freedoms guaranteed in the Universal Declaration;

(c) To bring to world attention the urgent need for a responsible attitude by the free nations of the world designed to help bolster the morale of the East-Central European peoples and thus create a climate favorable to their quest for full national sovereignty and individual freedom and dignity;

(d) To help foster a positive program aimed at the integration of a Europe composed of free sovereign nations, represented by freely elected governments responsible to the will of the people.

THE 50TH ANNIVERSARY OF THE DECLARATION OF INDEPENDENCE OF BIELARUSSIA

Mr. DIRKSEN. Mr. President, as a matter of significance at this time. I ask unanimous consent that a resolution passed by the Chicago Bielarussian-American Committee for the Observance of the 50th Anniversary of the Declaration of Bielarussia be printed in the RECORD. The resolution speaks for itself and fits in with the comments above, dealing with human rights and self-determination and freedom for all nations and peoples behind the Iron Curtain.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION

Whereas, the people of Bielarus (Byelorussia), one of the first victims of the Russian Communist aggression, which last year marked fifty years of the existence of their imperialistic and colonial state, have been forcibly deprived of their national sovereignty, their religious, political, cultural, and economic liberty, and are still subjected to inhuman policy of oppression, terror, mass deportation, Russification, economic slavery and colonial exploitation; and

Whereas, the Bielarussian people are strongly opposed to foreign domination and are determined to restore their freedom and sovereignty which they had rightly enjoyed for many centuries in the past; and

Whereas, with the attention of the world focused on the new African and Asian nations which were liberated from colonialism with the aid of the United Nations and have joined the community of free and independent states, the plight of the Bielarussian and other non-Russian nations enslaved in the U.S.S.R. have been neglected; and

Whereas, the present government of the Bielarussian S.S.R. and its United Nations delegation, who are not democratically constituted representatives of the Bielarussian nation but only the executors of the will of the Russian colonial administration, will not and cannot, therefore, protect and defend the Bielarussian people, therefore be it

Resolved, that this Commemorative Assembly of the fiftieth anniversary of the Declaration of Independence of Bielarus appeal to the President, the Secretary of State, and members of the Congress of the United States of America with the request to do everything possible that the liberation of Bielarus and other countries subjugated by Communist Russia be included in the pro-

gram of the American foreign policy; and be it further

Resolved, that the Government of the United States of America take appropriate steps through the United Nations and other channels to stop the Soviet Russia's policy of colonialism in Eastern Europe and force the Russians to pull out their armed forces from non-Russian lands and to institute free elections in Bielarus under the supervision of the United Nations, as it is was already proposed in the resolution in the Senate of the United States by the Senator from Illinois, Everett M. Dirksen, on January 22, 1965; and be it further

Resolved, that we, Americans of Bielarussian origin and descent, reaffirm our adherence to the American democratic principles of government and pledge our support to our President and our Congress in their firm stand against the Communist aggression in Vietnam and in their efforts to achieve a lasting peace in the world, with freedom and justice; and be it further

Resolved, that we, Americans of Bielarussian birth and ancestry, direct this resolution to both the Democratic and the Republican National Committees, requesting that freedom of Bielarus be also included in their political platform this election year.

For the Assembly,

NICK ZYZNIEUSKI,
Chairman.

NEW REGULATIONS AND ADDITIONAL LEGISLATION FOR AID

Mr. WILLIAMS of Delaware. Mr. President, several weeks ago, during hearings before the Committee on Foreign Relations on the foreign aid authorization bill, I called to the attention of AID Administrator William S. Gaud some examples of what certainly appeared to be wholly indefensible wastes of agency funds in the assistance program in the Dominican Republic.

Specifically, I referred to a report that showed that the American taxpayer was paying for such reconstruction and development items as bubble gum, $2,831; outboard motors, $4,610.51; ladies electric razors, $76.50; television sets, $12,535; and what appeared to be a mammoth cocktail party which included $3,430.70 worth of sherry wine, and a total of $5,253.37 for cocktail glasses, salad sets, and so forth.

Several of us on the committee expressed the strong feeling that these items were not essential to the restoration of peace on that Caribbean island republic.

Although we were assured at the time by Mr. Gaud that none of the aforementioned items was on the authorized list and that claims had been filed and AID expected to be reimbursed for them, the Senator from South Dakota [Mr. MUNDT] and I felt that preventive action rather than an attempt at reimbursement was to be preferred.

I am pleased to advise the Senate today that AID has agreed to our suggestion and has proposed new regulations which will become effective May 13, 1968, under which the agency would screen commodity transactions before they are shipped or financed. Mr. Gaud has advised me by letter that these regulations have been prepared and will be published in the Federal Register immediately.

At the same time, I have been advised that AID is preparing legislation which I recommended to effectively penalize suppliers who violate the new procedures as well as existing regulations. This legislation should be ready for introduction very shortly and it will be offered as an amendment to this year's aid bill.

I wish to congratulate Mr. Gaud and his staff for taking this prompt and, I hope, effective action to put an end to the abuses which had been cited at the committee hearings. These new regulations and the additional legislation which is being prepared, while not representing a major overhaul of the AID program, certainly should eliminate some of the waste which we know exists and at the same time show that the agency is not inflexible in dealing with problems regarding administration which arise from time to time.

Mr. President, I ask unanimous consent that Mr. Gaud's letter dated April 30, 1968, along with a copy of the press release issued May 1, 1968, confirming this action be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF STATE, AGENCY FOR INTERNATIONAL DEVELOPMENT,
Washington, D.C., April 30, 1968.

Hon. JOHN J. WILLIAMS,
Senate Foreign Relations Committee,
U.S. Senate, Washington, D.C.

DEAR SENATOR WILLIAMS: In my last appearance before the Senate Foreign Relations Committee I informed the Committee that the Agency would revise its procedures to permit screening of commodity transactions before they were shipped or financed. We have now accomplished that and the enclosed material will be published in the Federal Register in the next day or so. The new procedures will become effective on May 13. The press release which I am also enclosing explains the procedures in some detail.

We are now completing work on a statute, as suggested by you, that will effectively penalize suppliers who violate the new procedures as well as existing regulations. I will see that a copy of that statute gets to you this week.

If you have any questions concerning the procedures or their implementation please do not hesitate to call me.

Sincerely,

WILLIAM S. GAUD.

[News release, Agency for International Development, May 1, 1968]

AID SETS TIGHTER CONTROLS OVER COMMODITY PROCUREMENT

New procedures were announced today by the Agency for International Development to tighten control over AID-financed commodity purchases by developing countries.

The new controls will permit AID to screen proposed purchases before the goods are paid for or shipped from the United States.

Administrator William S. Gaud ordered the new procedures to close loopholes which have occasionally allowed ineligible goods to be shipped to developing countries.

Under existing controls, AID clearly specifies commodities that are eligible or ineligible for AID financing. Whenever post audits disclose a transaction in an ineligible commodity, the Agency has made it a practice to make a claim for the amount involved against the government of the recipient country. The purpose of the new procedures is to prevent improper transactions before they occur.

The new controls were recommended by Senator Karl Mundt of South Dakota during hearings on the Foreign Assistance legislation before the Senate Foreign Relations Committee in March.

The new screening procedures are prescribed in an amendment to AID Regulation 1, the basic regulation on doing business with AID. The amendment, which will be published in the Federal Register, provides that the new controls will be applied effective May 13.

AID financed the export of $1.35 billion in American commodities during fiscal year 1967.

Under the terms of the Foreign Assistance Act, goods supplied through the foreign aid program must be provided as far as possible by private enterprise using private channels of trade to the fullest extent. Thus, when AID agrees to finance American generators for a power project, for example, or such things as American fertilizer, replacement parts, equipment and raw materials for general economic growth, the goods actually move through private business channels. Foreign importers deal directly with private American exporters and suppliers. On presentation of proper bills of lading and other required documents to one of more than 100 U.S. banks which handle AID letters of credit, the banks pay the U.S. suppliers and exporters, drawing on the AID loan or grant funds for the project or program.

The new procedure will require the filing by the supplier of a new form enabling AID to screen such proposed transactions before the supplier is paid and the goods shipped.

In the new form, the supplier will certify that he has received an order from a certain importer for a commodity which he describes in detail and that the goods will be shipped as described in every respect unless he submits a new statement. The supplier also will certify as to the new and first-quality condition of the commodity, and as to his citizenship and eligibility to participate in AID-financed transactions. The supplier will be paid only after the transaction is approved on the form itself by AID.

Most AID-financed commodity exports from the United States to developing countries will be covered now or at any early date by the new procedures.

In Vietnam, because of the size of the commercial import program and the wartime conditions prevailing, special controls were previously imposed by AID and will be continued, along with the Washington screening.

The new advance screening procedure will require some 20 analysts who are being assigned to the AID Controller's office for this work.

VIETNAM CEASE-FIRE POSSIBLY IN THE OFFERING

Mr. YOUNG of Ohio. Mr. President, today all Americans have reason for happiness knowing that on May 10, only a week from today, talks will commence in Paris between representatives of the United States and representatives of North Vietnam seeking a cease-fire and an armistice in Vietnam and an end to the bloodletting which has already cost the United States more than 25,000 priceless lives of men killed in combat, more than 1,000 missing in combat, and some 141,000 wounded in combat. This, in addition to those killed and maimed in what the Pentagon terms "accidents and incidents" and to those thousands afflicted with malaria fever and various jungle diseases. All this in Vietnam, a little country less than half the size of some of our States and of no importance whatsoever to the defense of the United States, a country in Southeast Asia far from our sphere of influence.

Mothers and fathers of teenage boys who would shortly be subject to the draft

may today truly say to each other "Our cup of joy runneth over." We should not expect that this American war we have been waging in Vietnam will end suddenly and immediately. Very definitely, I believe that these talks will continue over many weeks, perhaps for some months, but that the end result will be peace and the return home of approximately 600,000 fine Americans who have to date survived and are committed to combat in Southeast Asia. We should now without delay proceed toward disengagement and no longer expand or escalate our involvement.

In looking at the meager report on the Senate bulletin board, my mind goes back to late 1963 and in particular when my President, Lyndon Johnson, appeared before the Congress in his state of the Union address early in 1964 and proposed that wonderful program for a war on poverty and to create a Great Society. I recall he said that under his leadership he proposed we would win against poverty, deprivation, and ignorance and give the underprivileged and those discriminated against the opportunities they never had. He spoke of the uncrossed desert and the unclimbed ridge and of how we would go forward. We had high hopes not only for complete civil liberties and civil rights for all Americans but for a new life, a new opportunity, a job for every worker, a home for every family and for every man to come home to his family at night after a day's work with something for them to eat; and for youngsters regardless of race or the financial status of their families to be given every opportunity to achieve a higher education.

Then came the crash. President Johnson became subservient to Director Helms of the Central Intelligence Agency, to Gen. Maxwell Taylor, Ambassador Henry Cabot Lodge and to the Joint Chiefs of Staff of our Armed Forces yielding deference and devotion to them and following their urging and advice to wage war to achieve ultimate military victory instead of a diplomatic settlement. Then later came the bombing of North Vietnam and the giving up of that unconditional war on poverty and the waging of an all-out war in this faraway, underdeveloped, backward little country as urged by the generals of the Joint Chiefs of Staff.

In this time of joy I have a feeling inside me of sadness over what President Johnson's administration might have been and what he might have done by this time for the American people except for the destructive influence of that industrial-military complex against which President Eisenhower warned in his farewell statement to the American people. General Taylor, who is in my judgment the poorest Presidential adviser in the history of the Nation, is a prime representative of that military-industrial complex.

My mind goes back to early January 1964, and to listening to Presidential statements from the White House, reading Presidential messages and listening to President Johnson's state of the Union address that January and believing that under his leadership in this country we would give top priority to creating a Great Society.

These high hopes that his statements created early in 1964 had to be given up with our escalating and expanding the fighting in Vietnam, later on in bombing North Vietnam and in blowing up into smoke $2.5 billion every month in our Vietnam involvement. In addition to these casualties, low-cost housing, Federal aid to education, Government aid to rebuild ghettos and slums in our cities were all casualties also. They gave way to waging a war which is, of course, the most unpopular foreign war our country has ever fought.

I have a feeling mingled with joy that the bloodletting will cease with the ending of the year. I do not think American people should expect a cease-fire to follow immediately within a few weeks of the talks. That is not the way the Asiatic mind operates, but I think Americans have reason to feel that there will be an end to the bloodletting soon.

It is tragic that President Johnson, a very great man, could have achieved the goals he set out to achieve had he not been subservient to the military-industrial complex represented by these men and groups I have named.

Had he done otherwise and carried out his goal of eliminating poverty in our Nation, of replacing our ghettos with decent homes and decent schools, of cleaning up our Nation's polluted rivers, lakes, and streams, of eliminating the filth from the air we breathe, of giving hope to the hopeless and equal opportunity for all, instead of him retiring from the Presidency there would be a wellnigh irresistible demand that he run for reelection and our citizens next November would have given him a vote of confidence even greater than that of 1964.

ORDER OF BUSINESS

Mr. WILLIAMS of Delaware. Mr. President, I ask unanimous consent to proceed for 20 minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. WILLIAMS of Delaware. I thank the Chair.

PRESIDENT JOHNSON CHALLENGES CONGRESS ON TAX INCREASE

Mr. WILLIAMS of Delaware. Mr. President, today, the President held a press conference and I wish to quote from the wire services some of his comments:

President Johnson today challenged Congress to "bite the bullet" and pass a tax increase bill for the good of the nation.

Johnson used blunt language to challenge Congress to "stand up like men and answer the roll call" in the current deadlock over cutting Federal expenditures and raising income taxes.

"In my judgment we are courting danger by this continued procrastination," the President said.

He said it was his opinion that anything beyond a $4 billion reduction in actual Federal spending would either be "a phony paper cut" or would do harm to needed Government activities.

I depart here to say that there is no man who has served in the White House who is a better authority on the meaning of the word "phony" than the present occupant.

Mr. President, I ask unanimous consent that the remainder of the press release be printed in the RECORD.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

"I think that we have a long and difficult road ahead," he replied when asked what he thought were the prospects for approval of the tax bill.

He said the time had come to "bite the bullet and stand up and do what is needed for the country . . . to pass a tax bill without any ands, ifs or buts."

He also said he was opposed to a package of spending cuts drafted by the House Appropriations Committee. But he said he would "reluctantly" accept it if that was the only way to win congressional enactment of the long-stalled tax hike.

He said the country could "absorb some reduction without wrecking our urban program" or other activities but he did not believe that Congress would go beyond the figure he had mentioned. If they did, he said, he was ready as President to exercise his responsibility to approve or veto Congress' work.

The President said that not only did he oppose the spending cuts but that he thought his $186 billion budget for the fiscal year starting July 1, should be higher. He said additional needs of the military, such as the procurement of more helicopters required extra defense spending.

Despite Johnson's claim that the spending cuts were too deep, he noted that they had yet to move Chairman Wilbur Mills, D–Ark., of the House Ways and Means Committee to throw his support behind the tax increase.

He also said there were pressing problems in the cities and among the poor that Congress should deal with.

Johnson, in his tone and his remarks, made it clear he was losing patience with Mills.

Johnson said the administration "did not agree" with the plan drawn up by the Appropriations Committee that would cut the $186 billion spending program by $4 billion, reduce new appropriations by $10 billion and retract $8 billion in previously appropriated but unspent funds.

But he said that the administration decided "if that is the only way to get the Ways and Means Committee to take action. . . to get Mr. Mills to report out a tax bill" then he would accept the package.

The President insisted that the lawmakers "do not hold up a tax bill" any longer while some "try blackmail" to get over a personal view.

Mr. WILLIAMS of Delaware. Mr. President, the RECORD should be clear as to just what the conflict is and why the tax bill has not been approved. The President refers to the fact that a $4 billion reduction would be "either a phony paper cut or would do more harm to needed Government activities."

Let us see what kind of cut the President is endorsing. I will quote from his own plan as recommended to the Appropriations Committee and as approved by the Appropriations Committee, but first I ask unanimous consent that the resolution of the Appropriations Committee of the House on May 1, 1968, as approved by the White House, be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

COMMITTEE RESOLUTION

Resolved, That it is the sense of the Committee on Appropriations that in view of the compelling need to maintain price stability, strengthen the domestic economy, and strengthen the dollar at home and abroad, the Legislative and Executive Branches of the Government, in the overall best interests of all the people of the nation, should pursue a two-pronged fiscal policy of saving every budget dollar that can safely be saved and securing every dollar of additional revenue that can reasonably be secured. The Committee on Appropriations recommends the actions hereinafter set forth as necessary to assist in accomplishing these objectives.

SEC. 2. The total of proposed appropriations and other new budget authority for the fiscal year 1969 should be reduced by not less than $10,000,000,000 below those estimated for that year in the budget for 1969, not counting the portion of actual appropriations and other new budget authority for such year that may exceed the budget estimates therefor for (1) special Vietnam costs, (2) trust funds, and (3) items (other than trust funds) included under the heading "relatively uncontrollable" in the table appearing on page 15 of the budget for 1969. In the event such total reduction is not effectuated through appropriation and other spending authority actions, the Executive Branch should take such further actions as will achieve not less than such total reduction, and such further amounts shall be rescinded.

SEC. 3. Budget outlays (expenditures and net lending) during the fiscal year 1969 should be reduced by not less than $4,000,000,000 below those estimated for that year in the budget for 1969, not counting the portion of actual budget outlays for such year that may exceed the budget estimates thereof for (1) special Vietnam costs, (2) trust funds, and (3) items (other than trust funds) included under the heading "relatively uncontrollable" in the table appearing on page 15 of the budget for 1969. In the event such total reduction is not effectuated through actions by the legislative branch, the executive branch should take such further actions as will achieve not less than such total reduction.

SEC. 4. The executive branch should cause a special study and analysis to be made of unobligated balances of appropriations and other budget authority available in the fiscal year 1969 which will remain available for use after June 30, 1969, and make a report thereon to the Congress in connection with the budget for 1970, including specific recommendations for legislation to rescind not less than $8,000,000,000 of such unobligated balances.

Mr. WILLIAMS of Delaware. Mr. President, I quote section 3:

SEC. 3. Budget outlays (expenditures and net lending) during the fiscal year 1969 should be reduced by not less than $4,000,000,000 below those estimated for that year in the Budget for 1969, not counting the portion of actual budget outlays for such year that may exceed the budget estimates thereof for (1) special Vietnam costs, (2) trust funds, and (3) items (other than trust funds) included under the heading "relatively uncontrollable" in the table appearing on page 15 of the Budget for 1969."

Now let us turn to page 15 of the budget for 1969, to which he referred, and see just what the President is proposing to except from his so-called $4 billion cut. In addition to the interest on the national debt, in addition to the trust funds over which he has no control, and in addition to the special costs for the Vietnam war which we all recognize must be accepted, the President suggests that we also make an exception of public assistance grants from any cuts. He asked for $5.7 billion, but if they decide to make it $10 billion they could do so under the exception. The price support programs for agriculture and other expenditures under CCC, which includes Public Law 480, the food stamp plan, and many other programs too numerous to mention—all of these would be excepted from any cuts under the President's proposal.

Then, as if that were not enough, they have an item at the bottom, other—o-t-h-e-r—$2.8 billion. So far, I have been able to find no one in Congress or the executive branch who could give me a breakdown on that item. It covers a multitude of sins and could be raised to $5 billion or $10 billion and still not be in violation of the President's so-called cuts.

I say again, when the President uses the word "phony" in talking about expenditure cuts he certainly knows what he is talking about. This suggestion classified as expenditure control as approved by the White House is the most phony recommendation ever submitted to Congress in my opinion and is an insult to the intelligence of the American taxpayers.

Why is it that some of us insist that spending cuts are to be written in the law before we approve a tax cut? Why do we insist and say we will not take the word of the executive branch? I want to refer briefly to some of the experience we have had in this connection.

I go back to December 2, 1965, to be exact. The President's press release from Texas is as follows. I quote from the New York Times of December 2, 1965:

PRESIDENT BACKS A CUT IN U.S. JOBS—APPROVES PLAN TO RETIRE 25,000

President Johnson approved this afternoon a plan that could eliminate 25,000 Government jobs.

The plan, contained in a memorandum from the Budget Bureau and released here, instructs the heads of Government departments and agencies to reduce their employment by 1 to 1.25 per cent by the end of the fiscal year 1966, which ends next June 30.

Joseph Laitin, assistant White House press secretary, said the plan did not mean that present employes would be dismissed. It is designed, he said, to take advantage of stepped-up retirements from Government jobs.

Mr. President, I ask unanimous consent that the entire news article from which I have been quoting be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Dec. 2, 1965]

PRESIDENT BACKS A CUT IN U.S. JOBS—APPROVES PLAN TO RETIRE 25,000—SPENDS QUIET DAY

AUSTIN, TEX., December 1.—President Johnson approved this afternoon a plan that could eliminate 25,000 Government jobs.

The plan, contained in a memorandum from the Budget Bureau and released here, instructs the heads of Government departments and agencies to reduce their employment by 1 to 1.25 per cent by the end of the fiscal year 1966, which ends next June 30.

Joseph Laitin, assistant White House press secretary, said the plan did not mean that present employes would be dismissed. It is designed, he said, to take advantage of stepped-up retirements from Government jobs.

These retirements have been increasing because of a new law offering certain inducements, including larger pensions, to employes who retire before the first of the year.

"The vacancies thus created," the memorandum said, "present an opportunity to take new specific action to carry out the President's long-standing instructions to hold Federal employment at the minimum necessary to carry out Government operations effectively."

The President spent a quiet day at his ranch studying reports and preparing for a meeting tomorrow with Secretary of Agriculture Orville L. Freeman and Secretary of State Dean Rusk.

The main topic at the meeting is expected to be the world food situation and Mr. Johnson's forthcoming talk with President Mohammed Ayub Khan of Pakistan.

Mr. Rusk is expected to join Mr. Johnson and Defense Secretary Robert S. McNamara for a discussion of world problems this weekend or early next week. The White House announced yesterday that this meeting would be held tomorrow or Friday. However, officials explained today that administrative work at the Pentagon would keep Mr. McNamara in Washington longer than expected.

The President also spoke by telephone with his special assistant for national security affairs, Mr. McGeorge Bundy. Mr. Laitin, in response to a question, said that the subject of Mr. Bundy's future had not been discussed and that, to the best of his knowledge, the two men had never discussed it. Mr. Bundy has been offered a post as head of the Ford Foundation.

Mr. WILLIAMS of Delaware. What happened? Instead of reducing the Government payrolls by 25,000 employees, instead of reducing Federal employment from 1 to 1¼ percent, during the 7 succeeding months he added 190,325 employees to the Federal payroll.

I ask unanimous consent that an itemized breakdown of the increase in the 7 succeeding months be printed in the RECORD at this point.

There being no objection, the itemization was ordered to be printed in the RECORD, as follows:

Month	Employment	Increase
December 1965	2,550,742	2,819
January 1966	2,555,572	4,830
February 1966	2,580,518	24,946
March 1966	2,610,780	30,262
April 1966	2,644,153	33,373
May 1966	2,665,160	21,007
June 1966	2,738,248	73,088
Total		190,325

Mr. WILLIAMS of Delaware. Mr. President, when the Director of the Budget was before the Finance Committee of the Senate I asked him to reconcile the promise of the President to cut 25,000 Federal jobs in the remainder of the fiscal year with the resulting addition of 190,000 jobs. He said it was very easy to explain. He said that not only did the President carry out the promise, he actually did more. He explained that at the time the President made the statement that he was going to make the reduction of 25,000 in Federal employment he had in mind adding 225,000 employees, and he changed his mind and reduced the 25,000 from the figure he was planning to

add. Actually, since he added only 190,000 instead of the 225,000 he had in mind adding, this was called a reduction of 35,000.

Following that line of reasoning, why did the President not fix his mind on adding 1 million employees, and then I suppose he would have claimed a reduction of 800,000. It is that kind of tactic that is going to bankrupt this country, and that is why we have this credibility gap.

Another example:

On the eve of the election in 1966 the President issued an Executive order, this time freezing employment at the July 1, 1966, level. He said this reduction was going to be achieved by the nonreplacement of normal resignations and retirees. Again what happened? Instead of carrying out the President's order freezing employment at the July 1, 1966, level, the administration actually added another 179,868 employees to the public payroll; and they are still adding.

Mr. President, I ask unanimous consent that a breakdown of Federal employees added in violation of the President's own Executive order of September 20, 1966, be printed in the RECORD at this point.

There being no objection, the breakdown was ordered to be printed in the RECORD, as follows:

CIVILIAN EMPLOYEES ADDED TO THE FEDERAL PAYROLL, IN CONTRADICTION OF EXECUTIVE ORDER ISSUED SEPT. 20, 1966

Month	Employment	Increase	Decrease
July 1, 1966	2,738,047		
July	2,788,097	50,050	
August	2,805,519	17,422	
September	2,773,724		31,795
October	2,798,212	24,488	
November	2,834,940	36,728	
December	2,842,528	7,588	
January 1967	2,848,249	5,721	
February	2,864,626	16,377	
March	2,882,639	18,013	
April	2,899,673	17,034	
May	2,905,595	5,922	
June	2,980,159	74,564	
July	3,012,374	32,215	
August	3,001,829		10,545
September	2,923,641		78,188
October	2,927,657	4,016	
November	2,929,508	1,851	
December	2,926,095		3,412
January 1968	2,918,967		7,128
February	2,917,914		1,053
Total		311,989	132,121
Total increase		179,868	

Mr. WILLIAMS of Delaware. Mr. President, I cite these to show why some of us were not satisfied with the promises of the executive branch to cut expenditures but were convinced we must have expenditure reduction written in the law, if we are going to have any real economy in this Government.

I say that as one who for months has been advocating a tax increase. I think we do need a tax increase. Inflation is a real threat. As far back as August 1965 I said the economy was getting overheated, that we should slow down on some of our expenditures, and that we should increase taxes. Nothing was done.

Last year, in January, the President sent a message to Congress and asked for a 6-percent surtax. I promptly endorsed that 6-percent increase because I thought it was absolutely essential. At the same time I suggested that we should exercise greater control over expenditures. But instead of pursuing the 6-percent increase which the President had mentioned in his message we find that just 6 weeks later he had completely reversed his position and was before the Congress asking for a tax reduction through the restoration of the 7-percent investment credit. I was one of two Senators who opposed that tax reduction. I said I thought it was unwise and that we should be increasing taxes rather than reducing them.

I suggested to the Secretary in February 1967, when he was testifying before the Finance Committee, that rather than be before our committee endorsing a tax reduction, he should be supporting a tax increase. He said at that time the administration had not made up its mind whether it wanted a tax increase.

That is the reason why questions were asked if the President really wanted a tax increase. It is being questioned now.

Realizing that there should be some action toward fiscal restraint, on June 28 of last year I directed a letter to the Secretary appealing to him for the President to send his tax message to the Congress in order that we could take action before Congress adjourned. Last July 14 I received a reply from Secretary Fowler, at which time he said that as of that date they had not fully decided what would be the surcharge they really wanted. He stated:

When the surcharge recommendation is made in definite form, the Congress will want to concentrate on the central issues of the size of the needed tax increase and the timing. The needed rapid action could be lost in a protracted debate on substantive tax revision.

I ask unanimous consent that the correspondence be printed in the RECORD at this point in its entirety.

There being no objection, the correspondence was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., June 28, 1967.

Hon. HENRY H. FOWLER,
Secretary of the Treasury, Department of the Treasury, Washington, D.C.

MY DEAR MR. SECRETARY: According to recent press accounts the Administration is planning to submit to the Congress sometime before its adjournment a request for a broad tax increase.

Before any tax increase is enacted many of us feel that certain recognized loopholes in our existing tax structure should be reexamined. I am therefore trusting that the Administration's decision will be submitted to the Congress far enough in advance to give us adequate time to consider these revisions along with your request for new taxes.

Yours sincerely,

JOHN J. WILLIAMS.

THE SECRETARY OF THE TREASURY,
Washington, July 14, 1967.

Hon. JOHN J. WILLIAMS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR WILLIAMS: Your letter of June 28 suggests that some problems of loopholes in the tax structure should be reexamined in connection with Congressional consideration of a tax surcharge. You indicate, therefore, that the President's Message on Tax Reform should be submitted to the Congress in time for consideration in connection with the surcharge.

As you will realize, a number of factors must be taken into account in settling on the timing of specific Presidential requests to the Congress.

With regard to the relationship of tax revision to the surcharge, I would like to refer to the President's Economic Message where he said, "This work of basic reform should proceed independently of the requirements for raising taxes or the opportunities for tax reduction." When the surcharge recommendation is made in definite form, the Congress will want to concentrate on the central issues of the size of the needed tax increase and the timing. The needed rapid action could be lost in a protracted debate on substantive tax revision.

For this reason it seems desirable that tax reform and stabilizing tax rate adjustments be approached separately.

Sincerely yours,

HENRY H. FOWLER.

Mr. WILLIAMS of Delaware. Mr. President, I point that out to show that as late as last July the administration still had not made up its mind on the need of a tax increase. In August 1967 the President sent to Congress a proposal for a 10-percent tax increase, but he was unable to get any Member of the Congress of his own party to introduce the bill. I volunteered on numerous occasions that if no member of his own party respected the President's office enough to introduce the bill in his behalf and if he would send it to my office I would introduce it, and under the standard procedure we could hold hearings on it. Nothing was done. In January I introduced a bill of my own which provided for an $8 billion expenditure reduction plus a tax increase, and that was the bill enacted by the Senate.

The final bill approved by the Senate was cosponsored by the Senator from Florida [Mr. SMATHERS].

I wish to quote from the statement of Secretary Fowler before the Finance Committee when testifying on March 20 on the need for the tax increase. The complete sentences appear on pages 9 and 10 of the statement. I will read part of it:

The United States economy—a mighty engine of production and distribution—is roaring down the road. . . .

But the ride is neither smooth nor safe. Rising inflationary pressures and a disturbing deterioration in our international balance of payments signal a clear and present danger that the economy is overheating and running at an excessive rate of speed. . . .

Accordingly, the driver is trying to brake the vehicle to a safe cruising speed.

That is a good analogy, but when we consider any vehicle roaring down the road at an excessive rate of speed we know that a responsible driver does not put on his brakes without first taking his foot off the accelerator. The first thing any driver who is qualified to hold a license does is slow the vehicle down and then use brakes to bring the vehicle under control. This administration is trying to keep its foot on the accelerator of spending and at the same time put the brakes on with higher taxes. Doing that will destroy the country, just as a driver would destroy the vehicle. Using the analogy of the Secretary, any driver who was so irresponsible as to put his foot on the brakes while still holding his foot on the accelerator would lose his driver's license.

I suggest that some in the executive

branch of this administration are going to lose their licenses if they do not exercise more fiscal responsibility and restraint and help us get this tax bill passed. The bill of which the Senator from Florida [Mr. SMATHERS] and I are the authors is in the House of Representatives today in spite of, and not as a result of any cooperation or support we received from this administration. We passed that package through the U.S. Senate over the administration's opposition.

As late as yesterday afternoon, in the conference, two Cabinet officers representing the White House flatly stated they would not accept this bill if we insisted on keeping the $6 billion expenditure reductions written in the Senate bill and as it passed the Senate. They do not want and apparently will not accept the $6 billion expenditure reductions, and that point has been made clear by the President today. That is the controversy.

If they are not going to accept it let us get on with the business and let the country know there will be no tax bill and no fiscal restraint. Our country is confronted with a serious and dangerous financial situation. A majority of the Senate recognizes that, and I appreciate the support we received from the other side of the aisle—we needed it—but I call the President's attention to the fact that this expenditure reduction, tax increase bill passed the Senate with 31 out of 36 potential Republican votes and that only 22 out of 64 potential votes from the President's own party voted to support the tax bill now in conference.

I point that out to the President and suggest that if he wants to lecture somebody perhaps he had better lecture the members of his own party. If he really wants to see the situation corrected perhaps he had better tell the American people that they should vote the Republican ticket if they want fiscal responsibility in this country because it is beginning to appear that the country is not likely to get it from his party. They talk enough. Nobody has ever said so much about fiscal restraint in this country as the present President of the United States, nor has anyone ever done so little to carry out what he is promising.

As the President said, it is time for both the Congress and the executive branch to put up or shut up.

Mr. CARLSON. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. CARLSON. Mr. President, the Senator from Delaware is making a very interesting point in regard to the tax situation confronting this Nation, and how it affects its fiscal policy.

I regret sincerely the statement made by the President in his press conference this morning in regard to action by Congress, and particularly in reference to the action that is now being considered by the House of Representatives and the Senate in conference on a tax bill.

I think I can understand the President's frustration, but I do not believe that his remark was conducive to early action on what I contend is a badly needed tax bill. I think his comment in regard to Congress and, indirectly, the House Committee on Ways and Means and its chairman was most unfortunate and unwise, because I sincerely believe our Nation needs not only a tax bill, but a reduction in Federal expenditures as well.

I need not go to the defense of the chairman of the House Ways and Means Committee, nor of the committee itself; but I have served on both the House Committee on Ways and Means and the Senate Committee on Finance and I can state that that committee is under able leadership and its membership includes members of both parties that are highly qualified in the tax field. Its chairman, Representative WILBUR MILLS, has had 30 years' service in Congress. Most of that time he has spent on tax problems. I state here today that I think he is the most knowledgeable man in Congress on taxes, and probably the equal of anyone in the executive branch. I have worked with him personally. As the distinguished Senator from Delaware knows, when we go to conferences, there is no one who has a better knowledge of our tax problems than WILBUR MILLS.

So I regret sincerely the statement that was made this morning at the press conference, because I do not think it is going to help, in a situation where we do need help.

After all, the Congress of the United States has a responsibility. We are the elected officials and representatives of the people of this Nation, and we, too, are concerned about the fiscal problems. It is not only the executive branch that is concerned. We have been devoting ourselves to this problem for some time; and, with all due respect for the House Committee on Ways and Means, they sent us a bill with only two items in it, one involving extensions or changes in excise taxes on telephones and automobiles. The Senate Finance Committee added several items including a 10-percent surtax and a reduction in expenditures.

Those of us who have served on the House Committee on Ways and Means know that there is always a little feeling between the two bodies when the Senate adds items of a tax nature because the Constitution says that the House of Representatives shall originate taxes; when we go to conference, we hear about it every time. I am sorry now that we did not immediately accept the excise tax proposal from the House of Representatives and urge them to act immediately on increased taxes and expenditure reductions. In retrospect, I sincerely regret that course was not followed.

The PRESIDING OFFICER. The time of the Senator from Delaware has expired.

Mr. WILLIAMS of Delaware. I ask unanimous consent that I may have 5 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CARLSON. Mr. President, will the Senator yield further?

Mr. WILLIAMS of Delaware. I yield.

Mr. CARLSON. All I want to add is this: We are trying to work the matter out. Congress has that responsibility. We realize our responsibility; and, with a little cooperation from the executive branch, as the distinguished Senator from Delaware has so well stated, I think we can bring about a solution to these problems which are most pressing. Our fiscal situation is critical and we need the cooperation of the Executive, not lectures.

Mr. WILLIAMS of Delaware. I thank the Senator.

Mr. President, as I have said many times, I do not think Congress can point the finger at the President and say, "This is your responsibility." The President cannot spend a dime that has not first been approved and appropriated by Congress.

So we do have the responsibility here not only for taxes but also as to any proposed increase or reduction in expenditures.

But, on the other hand, the President, too, has a responsibility because the bills we pass cannot become law unless the President signs them, and he can veto these measures or help us in getting them enacted.

Instead of vetoing these bills his only criticism has been that they did not authorize enough spending authority.

It is this lack of cooperation from the White House that is creating the problem we face now. I join the Senator from Kansas in paying respect to Congressman MILLS. I have never worked with a fairer nor more able Member of Congress than Representative MILLS, of Arkansas.

It has been charged that the House of Representatives has been rejecting this measure because of the House prerogative to originate revenue measures. That is not true. The chairman of the Committee on Ways and Means made it very clear when we went into conference that that was not his viewpoint but that he would consider the measure on its merits.

Mr. President, I feel that we just cannot afford to get into a snarl between the White House and the Congress and let this bill be defeated; it will take all of us working together to accomplish the necessary objective. I happen to feel that this situation is so serious that we have no choice except to act and act now. Only the other day the Government of the United States borrowed money for 18 months to 7 years and paid 6 percent. That is the highest rate since 1920. Just a few days before that on a 100-percent Government-guaranteed obligation they paid as high as 6.45 percent interest for 7-year bonds.

Surely something has got to give in this country. We just cannot afford to keep drifting down the road of fiscal irresponsibility—continuing to spend more and more money and at the same time failing to raise the tax. I do not think we can cut back spending enough to bring the budget under the necessary degree of control. I do not think we can afford to raise taxes enough to do so. But I think a combination of both, expenditure reduction and increased taxes coupled together, can certainly work, and I think if we can get that through we will have taken a major step toward bringing the situation under control.

I call attention to the fact that it is estimated that we will close this year's fiscal business with a $20 billion deficit and that for the next fiscal year the

deficit will be $28 billion, assuming no action is taken either to raise taxes or cut spending.

That is the reason I say that something must be done. Even if we take the action which has been recommended by the Senate it still will leave a deficit next year of around $9 to $10 billion.

I believe the hour is late. Unless we can get some action on the tax bill now in conference I am afraid that any chance of a tax increase or fiscal restraint in the form of expenditure reduction during this congressional year will be foreclosed. This is the last chance; and I certainly hope that the President, instead of criticizing Congress, will back up his own promise when earlier this year he said he was willing to take a $6 or $8 billion expenditure reduction as a part of his tax bill.

Several Senators addressed the chair.

Mr. MANSFIELD. Mr. President, I listened with much interest to what the distinguished senior Senator from Delaware [Mr. WILLIAMS] said and listened with equal interest to what the distinguished senior Senator from Kansas [Mr. CARLSON] said about the President's suggestions in relation to a tax increase and expenditure cut.

May I say at the very beginning that I have nothing but the highest respect for both Senators. They are more proficient in the field of finance and taxation than I am. However, I believe that in all fairness the other side should be heard and that the President's position should be given some consideration, as well.

I listened to the President at his press conference this morning. I watched him as he made his initial announcement, which pleased me very much because the ice jam was broken as a result. This is the first step among many that will be taken along the road of negotiations which will get underway on the 10th of this month at Paris. Hopefully, an honorable settlement of the Vietnamese conflict will result.

I have the greatest respect and admiration also for the distinguished chairman of the House Ways and Means Committee, Representative MILLS, whom I have known for all the years I have been in Congress. But I think that the President, in effect, laid it on the line this morning as he pointed out that all the President can do is to propose and that it is up to Congress to dispose.

For more than 2 years, to my personal knowledge, the President has been trying to get Congress to do something about the imposition of a surcharge tax applicable to those who earn an income of $5,000 a year or more—a tax on the income tax paid.

The only place where any action has been taken in this area to date has been in the Senate and on the Senate floor. And there it was due to the initiative of the distinguished senior Senator from Delaware [Mr. WILLIAMS] and the distinguished junior Senator from Florida [Mr. SMATHERS].

The Senate did face up to its responsibility and did bite the bullet. There is nothing more that the Senate can do until something is done in the conference, where, hopefully, some sort of agreement and compromise, if need be, can take place or an alternative plan can be proposed to face up to the fiscal difficulties which face our country today.

The President asked Congress to stand up. I think Congress has a responsibility, because, as he pointed out and as the distinguished senior Senator from Delaware confirmed, we do face a possible deficit of $20 billion this year if no action is taken, and a possible deficit of $28 billion next year.

With the condition in which the dollar finds itself, we just cannot go on much longer at the present rate. Something will have to be done. It is up to Congress and the President to work together to arrive at a solution which will bring about a tax increase on a surcharge basis, which will bring about a reduction in the budget requested by the President this year of up to $10 billion, and will also bring about either a $6 billion reduction in the field of expenditures, as the Senate agreed to, or a $4 billion reduction in the field of expenditures, as Secretary of the Treasury Fowler advocated, or something in between.

The question was raised today as to the responsibility of the President to make the cuts. Why cannot both the President and Congress make the cuts? And why cannot Congress take the initiative to delineate where these cuts should take place? If anybody wants to raise the question as to where that can be done, I have some suggestions.

I think, for example, of the U.S. troop and dependent commitment in Europe, where we have 600,000 military personnel and dependents. This costs us, I understand—and I got this figure only recently in the debate on the military authorization bill—something in excess of $2.5 billion a year. I think a sizable cut can be made there.

Then, during the discussion on the same bill, we found that the research and development division of the Department of Defense had received a 10-percent increase in its budget over last year, and that the authorization allowed something very close to $8 billion in the field of research and development for that agency. That agency has thousands of contracts with individuals, corporations, and some companies set up only for the purpose, I understand, of carrying on business with the Defense Department. Eight billion dollars is entirely too much to spend for such items as population control and civic service projects in Korea; social service projects like Camelot in Latin America, which has been discontinued, and other similar items which have no business whatever in the Department of Defense. I would think that perhaps a $2 billion cut there might be worth consideration.

Certainly there is no need for us actually to be the first ones on the moon. We have enough problems here on earth. Maybe some funds could be taken out of that program and applied to more immediate problems here at home.

Then, of course, there is the sacred area of public works, which affects practically every Senator. Certainly it affects me. I believe that reductions can be made in those expenditures.

As to Vietnam, when and if deescalation takes place, there is no reason why a reduction of funds, in time, cannot occur there—funds which will not affect the protection of the American soldiers who are there at this time, but funds which at an appropriate time could be diverted from that area.

So there are certain suggestions which I think ought to be considered and on which I think Congress could assume the initiative. Certainly I would hope that we would get away from throwing the ball back to the President, trying to say that the responsibility is his, because the Senator from Delaware stated it exactly when he said that it is a dual responsibility, applicable both to Congress and the executive branch. Therefore, it is up to both the President and Congress to work together, to act, and to act now.

In his candid remarks this morning, the President pointed out that the Senate already, in the only appropriation bill which it has considered this year, increased the amount, I believe, in the vicinity of $200 million. That refers to the supplemental appropriation bill, which likewise is in conference.

If we are to raise these budget requests, I do not see how we can expect the President to reduce what we advocate and approve at the other end of Pennsylvania Avenue.

I do not believe that the President was too insistent. Since 1966, he has been asking Congress, almost getting down on his knees.

I have attended many meetings at the White House when taxes, reductions in expenditures, and reductions of the budget were discussed. I must admit that the President, while he had the majority of the people there behind him in his views, did not receive the unanimous support which is vitally necessary if this program is to go into operation.

What is needed is a little better cooperation between the executive and the legislative branches, to the end that something will be done. If something is not done, it will mean, in effect, that the American people will pay more in inflated prices than they will in increased taxes. The inflationary process already is underway: four-tenths of 1 percent last month in the Consumer Price Index. Indications are that if something is not done to bring this matter to a head, the index will go up still more.

This is a choice which must be made. It is a choice which I hope the President and Congress together could work on cooperatively. It is a choice which calls not for the responsibility of one or the other, but the responsibility of both.

I would join with the distinguished Senator from Delaware in advocating that we work together, act together, and act now, to increase taxes—not popular in an election year, but necessary—to bring about a decrease in the budget, and to bring about a limitation of expenditures somewhere along the lines advocated by the Senate in the measure which is now in conference. Not to do so will make it almost certain that we will have this year at least a $20 billion deficit and next year a deficit very considerably in excess of that.

So the time to act is now. The President laid it on the line this morning to

us and to the American people. I believe he was perfectly within his right. I do not believe he questioned the integrity of anyone, but was living up to his responsibility. Now it is up to Congress as a whole to live up to its responsibility.

Mr. WILLIAMS of Delaware. Mr. President, if I may have 1 minute, I wish to thank the Senator from Montana for his remarks. I believe he has pointed out and reemphasized the point I have been trying to make—that the problem confronting the American people is serious. It is one that will not be resolved and should not be resolved by the Members of Congress on the basis of whether they are Republicans or Democrats but, rather, on the basis that we are Americans, trying to do what is right for our country. Furthermore, there is a dual responsibility between Congress and the Executive. We cannot repeat that too often.

As an example of what I meant when I said that we need help from the Executive, I call attention to the President's remarks this morning when he said the Senate had added approximately $185 million to the supplemental appropriations over the amount requested in the budget. I was one of those who resisted that increase very strongly. I regret that we were not able to hold the line. But I call the President's attention to the fact that we lost the key vote on holding that line when the Vice President of the United States broke the tie to increase the spending beyond what the President had requested.

Let the President tell the Vice President of the United States—who, I assume, is his candidate for President—that he, too, has some responsibility when he breaks these ties. The Vice President is a part of this administration. They both have a responsibility.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. MANSFIELD. Mr. President, may I say that I am equally as guilty as the Vice President, because I too voted for those increased expenditures. But may I say, also, that, as the President emphasized this morning, he has adopted a hands-off policy in the campaign; and, frankly, I do not know who, if anyone, his candidate is.

Mr. WILLIAMS of Delaware. I believe he will endorse one if and when he decides definitely that he is not running.

Mr. ALLOTT. Mr. President, I ask unanimous consent that I may proceed for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLOTT. Mr. President, I wish to make a few remarks first with respect to the discussion that has just ensued, particularly among the Senator from Delaware, the Senator from Kansas, and the Senator from Montana.

One fact that I believe we should remember is that the situation we face fiscally today is not a situation that has fallen on us in the last 30 days. It was apparent all last summer, and it was apparent all last fall.

The President submits his budget to Congress every year, and Congress guides its appropriations and its taxation in accordance with that budget. Yet, I believe it is wise to remember, and for the people of the United States to understand, that when the President submitted his budget to us in January of 1967, the situation of inflation and money troubles was accelerating as fast as a steam engine going down a big hill, yet the President did absolutely nothing about it except ask for a tax increase. We sat through all of last year, and the only budget modifications we got from the President were constant requests for more money.

It is all right to talk about Congress and the President working as a team. But on this particular team, on the executive side, you have a very balky horse. Anybody who has ever tried to pull a team with a balky horse on one side knows that you are not able to pull very much of a load.

Despite the fact that the President constantly increased his demands of Congress last year, Congress cut $5.8 billion from the Federal budget. I called the attention of the Senate to this matter recently. I call it to the attention of the Senate again: In the last few years, Congress has reduced the President's budget with significant amounts in all but 2 years, and in those 2 years the amounts were relatively minor. So Congress has been the side of the team that has been pulling its weight, and the other side of the team has not.

If the President were sincere about this matter, we would see some leadership in the field of cutting expenses. But he seems to be lost in a never-never land of reflective thought which is unable to cope with the problems at home or the problems abroad, either, in any great degree.

DEALING WITH RIOTERS AND LOOTERS

Mr. ALLOTT. Mr. President, in this day, as one reads the newspapers and listens to television and the radio, we often wonder if everyone in this world has not suddenly taken leave of his senses.

When, for example, a man such as the Chief of Police of the District of Columbia says that he would resign his job before he would give orders to shoot rioters and looters——

Mr. BYRD of West Virginia. Mr. President, will the Senator yield for a correction? I know he would want the record to be correct.

Mr. ALLOTT. I yield.

Mr. BYRD of West Virginia. The Senator refers to the Director of Public Safety, rather than to the Chief of Police.

Mr. ALLOTT. I thank the Senator for the correction.

When the Director of Public Safety made that statement, it shows that he has little knowledge of his job.

Mr. President, riots always have been considered the most dangerous of crimes in the world, and that is why even the incitement to riot carries a heavy penalty in the District of Columbia Code; and it carries a pretty heavy penalty in the laws of most States. The reason for this, of course, is that when anyone starts a riot, he is potentially reflecting upon the safety of individuals, with the probable chance that somewhere along the way one or more people will be killed.

The saddest thing out of all the commentary we hear today is that everyone seems to have forgotten these poor, innocent people killed in the District of Columbia. These were not the people who were out inciting the riot and leading the rioters, and these were not the people breaking windows and throwing in molotov cocktails, but these were poor, innocent people of the same color, at least for the most part, as the people who were leading the riots. The situation, as I see it, is that there seems to me very little commonsense.

A few days ago a group of students at the University of Denver made some demands which were contrary to the constitution of their own student association. Then, some 40 of the students, in light of the examples that have been set by other universities in the country, undertook to have a sit-in in the offices of the university.

The chancellor of the university, Dr. Maurice B. Mitchell, has recently issued a news release of the background of the situation and he has also written a letter addressed to "Dear Friend of the University of Denver."

Mr. President, I ask unanimous consent that both of these items be printed in the RECORD at this point.

The PRESIDING OFFICER (Mr. CANNON in the chair). Without objection, it is so ordered.

The items ordered to be printed in the RECORD are as follows:

BACKGROUND FOR EDITORS

A protest involving a relatively small number of University of Denver students—self-titled as a group for "Student Independence Now" (SIN)—centers on their demands that a graduate student be permitted to run for election to the Student Senate April 30.

They have presented their ultimatums to DU Chancellor Maurice B. Mitchell and threatened to hold a sit-in demonstration in his offices unless they are accepted.

The constitution of the All-University Student Association has historically held that only undergraduate students were eligible to serve on the Student Senate. Earlier this year, the Senate passed an amendment opening election to graduate students. Their constitution requires that amendments be ratified by the Board of Trustees. Although the Senate failed to formally present its amendment to the Board of Trustees, the issue was brought up informally by the Board at a March 12 meeting. The Board indicated that it would not approve any change which expanded the membership of the Student Senate beyond the full-time undergraduate student body.

In a series of events that followed, the Student Senate approved the inclusion of the name of a graduate student, John Walker, on a ballot for early April election. The Chancellor ordered Walker's name removed as contrary to both the students' own constitution and in the light of the fact that the Board had not formally acted on the amendment. The election was postponed after some 24 candidates withdrew in protest.

The election was rescheduled by students for April 30 with a number of the candidates who originally withdrew having resubmitted their names. In the meantime, an opinion poll was held April 16 for the purpose of gaining student expression on the issue. A total of 950 of the 5600 undergraduates voted. The question favoring the right

of graduate students to hold office received 450 votes to 405 votes in opposition. The executive committee of the Board subsequently invited a student to attend one of its meetings and heard further discussion of the pros and cons of the problem. They agreed that the full Board would consider it further at its May 21st meeting. The Board also appointed a new Student Affairs Committee to further study this and other student matters.

The basis for present agitation by the "Student Independence Now" group centers on demands that action be taken before that meeting.

Two students representatives of SIN, Pam Williams and Ruth Buechler, met with Chancellor Mitchell Thursday, April 25, and presented him with two demands:

1. Students have full control of their own electoral policy. Specifically, the AUSA election shall not be legitimate unless the name of John Walker, a graduate student, and the names of all other eligible graduate students who wish to run, appear on the ballot.

2. There will be immediate implementation of all amendments to the AUSA Constitution which have been passed by the students, including the Student Bill of Rights and the reapportionment amendments to the Constitution which enfranchise graduate students in the AUSA.

They warned that unless the two were accepted by noon, Friday, that a sit-in would be held in the Chancellor's office Tuesday, student election day.

Chancellor Mitchell informed the pair that the pathway to proper negotiation of their wishes was through the Board at its meeting; that threats and intimidation would not be accepted and that any interference with the operations of his office would result in severe discipline to those involved.

UNIVERSITY OF DENVER,
COLORADO SEMINARY,
Denver, Colo., April 30, 1968.

DEAR FRIENDS OF THE UNIVERSITY OF DENVER: This letter is to inform you that this university has dismissed more than 40 students on this day. Their dismissal is the result of willful disobedience of the rules and regulations for orderly and proper conduct.

For several days now, a small group of students has made demands and issued threats to the administration of the university. Specifically, they have threatened to occupy the Chancellor's office and administration buildings and to sit-in in other essential university buildings and to disrupt university activities.

The issues on which these protests are based are improper, illegal, and go against the orderly processes by which institutions can and should operate. This university will not be run by threats and intimidation. It will not respond to ultimatums from students, and it will not be intimidated by the pressures of groups who are dedicated to the disruption of institutions of higher learning or seek disorganization to the point where such institutions can be controlled by violence and run under constant threat of disruption.

If you are interested, a simple explanation of the particular issues which precipitated today's episode is attached.

I write you in this way because you have been kind enough to provide support to this private and independent institution of higher learning. In accepting your support, we have pledged ourselves to the growth and development of this university as a place where fine young men and women can join with scholars and teachers in the dissemination and expansion of human knowledge. It is our hope and always has been that the funds we have received can be used to produce responsible and law-abiding citizens. It is because we do not intend to abandon this hope in the hysteria that seems to have permeated many of the nation's campuses that we have taken the position that the most extreme disciplinary action—absolute dismissal from the university—will be applied to those who interfere with its operation by engaging in sit-ins or other improper and disruptive actions.

I make myself fully responsible for these decisions. In the simplest language in which I can put it, the time has come for society to take back control of its functions and its destiny. If we condone the abandonment of the rule of law in the university, we have no right to expect those who attend it and later move on into outside society to conduct themselves in any other manner.

There is the assumption on the part of some disaffected students at the university that it is immoral for them to tolerate conditions not of their liking, and that they have some sort of moral obligation to engage in acts of defiance and violence. There is no way to prevent this, but there is every reason to hold those who engage in such practices fully responsible for the consequences of their acts. To those who insist that improper activities are the only answer to their problems, I have replied that the decision to engage in such activities carries with it the full responsibility to accept punishment; and punishment on this campus under these circumstances and for such acts is going to be instant and sufficient to the cause.

I am happy to tell you that the overwhelming majority of the members of the student body of this university appear to be in full support of the comments I have made above. They are humiliated and deeply distressed by what they see happening on this campus today. A certain sympathy for severe punishment meted out to classmates is understandable, but they have carefully avoided taking any overt action, and it is my hope that they will continue to do so.

To understand the logistics of today's situation, I want to remind you that this university has an enrollment of about 8,000 students. The group involved in violence and other improper activities appears to number substantially less than 100. It is the apparent intention of this small group to disrupt the activity of the institution and to take control of the decisions that should be made by responsible members of the administration, the faculty and the student body.

It has been our privilege in the past to tell you about the many fine things that have been done by this university in its efforts to provide important leadership as a private institution of higher learning in the western part of the United States. It is my obligation, in my opinion, to tell you about episodes such as the one I have indicated above.

I deeply regret the need to disfigure the image of the university by summarily dismissing large numbers of students, but there is not now and will not be in the future any alternative to this handling of this kind of situation. My hope is that we will not have occasion to make a report of this kind to you in the future, and that you will, in the meantime, recognize that in acting as we have done we have tried to discharge our obligation to the high principles which have always been characteristic of free and independent higher education.

As I have undoubtedly said above, the time has come to make the stand, and we are doing it in the very beginning. We want no Columbia University or Berkeley or Howard or Wilburforce situation on this campus, and we simply are not going to have it.

I hope that you agree, and of course I want you to feel free at any time to give me the benefit of your comments and criticisms of this situation.

Sincerely,

MAURICE B. MITCHELL,
Chancellor.

Mr. ALLOTT. Mr. President, I wish to quote particularly two or three paragraphs from the letter in which Dr. Mitchell sets out, first of all, that these students have violated their own constitution and that they have challenged the authority of the university, which is a private institution as distinguished from a publicly supported institution.

Dr. Mitchell stated:

It is because we do not intend to abandon this hope in the hysteria that seems to have permeated many of the nation's campuses that we have taken the position that the most extreme disciplinary action—absolute dismissal from the university—will be applied to those who interfere with its operation by engaging in sit-ins or other improper and disruptive actions.

He continued:

I make myself fully responsible for these decisions. In the simplest language in which I can put it, the time has come for society to take back control of its functions and its destiny. If we condone the abandonment of the rule of law in the university, we have no right to expect those who attend it and later move on into outside society to conduct themselves in any other manner.

Then, I shall skip a few lines:

To those who insist that improper activities are the only answer to their problems, I have replied that the decision to engage in such activities carries with it the full responsibility to accept punishment; and punishment on this campus under these circumstances and for such acts is going to be instant and sufficient to the cause.

Dr. Mitchell continued:

I am happy to tell you that the overwhelming majority of the members of the student body of this university appear to be in full support of the comments I have made. They are humiliated and deeply distressed by what they see happening on this campus today.

He goes on to point out that only a very, very small percentage of the students participated in this matter. In the next-to-the-last paragraph he stated:

As I have undoubtedly said above, the time has come to make the stand, and we are doing it in the very beginning. We want no Columbia University or Berkeley or Howard or Wilberforce situation on this campus, and we simply are not going to have it.

Mr. President, I commend to Senators the entire press release and the letter written by Dr. Mitchell because it states in such a simple and plain way what all of us ought to know: that it is the responsibility of the adult population to provide universities and educational institutions for our young people.

This is not to say that the voice of the young person should be stilled or that it should not be listened to; however, the responsibility for the expansion and the improvement of these universities to take care of our ever-expanding population must lie with the adults of this country. I approve wholeheartedly of the very quick and sane steps taken by Dr. Mitchell and I hope and I wish that other professors and heads of universities in this country would have the same courage.

Mr. President, I cannot help but add one further thought in connection with this matter. I, like all Americans, have been very proud of our universities, particularly in comparison with the rest of the world. I have often, I suppose, in an unjustified and superior state, looked down my nose at some of the universities in Latin America and South America.

In Latin America and South America

we have had the tradition for many, many years in many of their universities, older than ours, where students were in fact the university. In one university that I think of particularly in Caracas, Venezuela, the campus itself is out of bounds to the police of that city and the state.

As I looked at the students in those countries taking over their universities by riots and destruction, I was constantly reminded that despite their age and the great intelligence of individuals in some of those universities, none of them had ever captured the greatness of dozens of our universities in this country.

If we are to turn over our universities to the beatniks, the long beards, and the frenetic thinking of these students, like those students who tore apart Columbia University, and those students who have performed at other universities and colleges in this country, we, who have the responsibility for our educational system should be branded as cowards, and we will not have fulfilled the obligation we have, not only to the students in those universities now, but to those children and the children of those children who will come afterward.

Mr. President, in this country we cannot accomplish anything except within the bounds of law and order. Those persons who espouse another way and who are being tolerated by officials in high places, in the long run, are only bringing themselves into a sad state of disrepair and perhaps eventual destruction, but they will destroy the very thing which most of us hope for, which is a world of expanding opportunities in the United States for every individual in it.

I hope that out of all this freneticism which we see and read about as reported in the newspapers, on television and radio, and which exists all around us, there will be a few calm and sane voices who will speak like the still, small voice on the mountain with a sound of reason, but it cannot be done and never will be done in the area, in an attitude, or in a situation of disorder and lawlessness.

Mr. BYRD of West Virginia. Mr. President, I wish to commend the able and distinguished Senator from Colorado on the statement he has made. He has called attention to a very disturbing phenomenon of our times.

I have noted in this morning's Washington Post an article entitled "Princeton Students Protest, Present Demands," written by Aaron Latham. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PRINCETON STUDENTS PROTEST, PRESENT DEMANDS

(By Aaron Latham)

PRINCETON, N.J., May 2.—About 1100 Princeton University students, inspired by the protest that continued to paralyze Columbia University, marched on Nassau Hall this afternoon.

Some student speakers demanded that Princeton's trustees ultimately surrender to students and faculty the power to govern the University.

University President Robert F. Goheen met the demonstrators on the steps of the building and later talked with student leaders for two hours in his office.

In the meeting on the steps, Goheen listened to demands of the Princeton chapter of students for a Democratic Society and agreed to meet an SDS demand that a steering committee representing trustees, administration, faculty and students should be set up. He said that this committee would conduct a fresh review of the decision-making processes of this University.

SDS also demanded:

Abolition of rules governing when girls can visit the rooms of Princeton students.

Complete severance of ties with the Institutes for Defense Analyses, a defense research group operating at Princeton and 11 other universities.

A draft counseling program and readmission of students who leave the University to avoid the draft.

In the later meeting in his office, Goheen said the administration was willing to reconsider its ties with the defense institute and would consider additional counseling.

The march was not only a demonstration—in some ways it was a celebration of spring. Some students carried toy tommyguns, bongos, buzzers or rattles made from Coke cans.

Many of the Princeton protesters had participated in the Columbia uprising. One told the crowd, "I bring you greetings from the liberated areas of Columbia University."

Mr. BYRD of West Virginia. Mr. President, the first paragraph of the article reads:

About 1100 Princeton University students, inspired by the protest that continued to paralyze Columbia University, marched on Nassau Hall this afternoon.

Mr. President, this is the story of another university that has been inspired to protest by what has happened at Columbia University.

Thus, we see the domino theory at work in the spate of college and university demonstrations. What has been occurring all across the country is what I predicted some weeks ago when the officials of Howard University, in the Nation's Capital, capitulated to a group of students who took over the university administration building and occupied it.

The problem is one primarily of discipline. Education, like so many other things in life, requires discipline. What we have been witnessing all across America today is a breakdown of discipline resulting from the permissiveness which has increasingly afflicted our Nation within the past decade.

Of course, students should have a right to a voice in their affairs. They should be given every opportunity that they will accept and can properly discharge under the supervision of duly constituted authority; but there must be respect for authority.

The spineless response by so many college and university administrations to the challenge to their authority has been a factor in the encouragement of revolt, and will be a factor in encouraging further revolts.

Colleges and universities, and, for that matter, free society itself, have not only the right but also the duty to enforce rules of conduct.

The college and university system as we know it, and free society as we know it, will collapse unless there is a recrudescence of discipline and a restoration of respect for authority.

Mr. President, I ask unanimous consent to have the following material printed in the RECORD:

An article entitled "Columbia Students Win Concession," written by Nicholas von Hoffman, and published in this morning's Washington Post;

An article entitled "Protest Is Staged in Marks as Marchers Head for District of Columbia," written by Charles Conconi, and published in today's Evening Star;

An editorial entitled "Instant Welfare," published in today's Evening Star;

An editorial entitled "Abernathy and the March," published in yesterday's Washington Daily News;

A letter to the editor, entitled "What Are Equal Rights?" apparently written by a Negro, and published in the Daily News of yesterday. I recommend its reading and commend it to the attention of all Senators.

An article entitled "Burning, Breaking Go On," published in today's Washington Daily News;

An article entitled "Schools Obligation in 'March' Studied," written by John Matthews, and published in today's Washington Evening Star; and another article entitled "District Lists 14 New Fires as Suspect";

An article entitled "March Starts in Memphis," written by Robert C. Maynard, and published in today's Washington Post;

An article entitled "Juveniles Harassing Merchants," published in today's Washington Post.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, May 3, 1968]

COLUMBIA STUDENTS WIN CONCESSION

(By Nicholas von Hoffman and Jesse W. Lewis, Jr.)

NEW YORK, N.Y., May 2—While Columbia University was looking for a way to govern itself, its Board of Trustees made a major concession today to end the University's crisis.

After an all-night meeting, the Board issued a statement at dawn saying it had "appointed a special committee to study and recommend changes in the basic structure" of this school, which has been shut down for 10 days in the biggest academic crisis since Berkeley.

But prospects of peace on this Ivy League campus remained confused. With about 730 persons arrested and more than 150 injured in battles with police in recent days, angry students and teachers showed little confidence for the committee of Board members.

The most immediate hope for settlement of the conflict rested with another committee made up principally of some of Columbia's academic super-stars, including Nobel laureate Tolykarp Kusch and political scientist Alan Westin. This committee "is trying to re-create a university that everybody will attend," one of its members said.

To do this the faculty committee is proposing a mechanism for changing the University statutes and a fact-finding commission, headed by an outsider, to investigate Tuesday morning's bloody encounter between the police and some 3000 students and faculty.

From every side of the quadrangle here have come accusations of police brutality, which are emphasized by the sight of people, young and old, walking around with heads bandaged.

Mayor John V. Lindsay said today that while most policemen acted with great re-

straint, "some police officers from reports of independent persons in whom I have confidence, used excessive force." He asked Police Commissioner Howard Leary for a preliminary report by the weekend.

The conduct of the police was further called into question by a law school professor who said that university vice president David B. Truman had informed him and three other faculty members in a delegation from the law school that the police had violated their agreement with the administration when they ejected students sitting-in five buildings Tuesday morning.

Professor Murton Bernstein quoted Truman as saying the police had promised that only students inside the buildings would be touched. What actually happened was that about 3000 young people who had been observing were driven from the campus.

The professor also said that Truman had informed the delegation that no plainclothesmen would be used and police would be instructed not to use nightsticks. But plainclothesmen and nightsticks were used.

To get support for its proposals the committee of super-stars is setting up a series of meetings with department heads, black students, the Student Council and the junior faculty, people under the ranks of assistant professor. There are two junior faculty members presently on the super-star committee but this is not enough representation for this large body of teachers who have been largely supporting the revolutionary students out of a sense of their own grievances against the way the University has been run.

The faculty committee has also been in touch with members of the Board of Trustees and University President Grayson Kirk and Vice President David Truman. The president himself seems to be busy in private meetings but he hasn't appeared publicly since an early morning press conference on Tuesday after the mass arrest. His office is guarded by police.

"It must be understood that the faculty and administration don't have control now—the students do," said one undergraduate.

If the central administration hasn't disappeared, it has been weakened. The deans of the University's various schools have been told to make whatever arrangements they can make to get classes going again. In some cases, the deans have left it up to the individual teachers. And some classes have been held in professors' homes.

The vocational and professional schools, such as law and engineering, showed some sign of being able to get partially under way again. But in the Columbia College or the big School of General Studies (3500 students) strike sentiment is massive.

The crisis has tended to force the issue on many long-term problems of running the University which did not figure in the origins of the dispute. The clash originally revolved around Columbia's part in war research and its determination to build a gym for itself in a park that has been traditionally considered a recreational area for the black population of adjacent Harlem.

But today many of the students and junior faculty members were pressing their chairman and senior professors for change. For example, the junior faculty and graduate students of the Sociology Department asked that they be cut in on the decision-making and the appointment of professors.

"This Department has been run by an oligarchy of the older, more distinguished men who control the fellowships and research money," remarked one assistant professor as he came out of the room where the insurgents were pressing their demands on the older men.

[From the Washington Star]

PROTEST IS STAGED IN MARKS AS MARCHERS HEAD FOR THE DISTRICT OF COLUMBIA

(By Charles Conconi)

MARKS, MISS.—Officials in this Delta town of 3,000, anxious to see the Poor People's Campaign hurried on its way to Washington, are working to arrange camping facilities for a few days for marchers who came here yesterday.

The demonstrators, who had originally planned to walk part way from Memphis, were not expected here so soon. So community officials were unprepared to provide electricity, water and toilet facilities for the more than 300 demonstrators who traveled the 70 miles from Memphis on eight chartered buses.

TROOPERS DEFIED

In Memphis, the marchers had attended emotional memorial services for their fallen leader, the Rev. Dr. Martin Luther King Jr., at the Lorraine Motel, where he was assassinated. The campaigners then had marched through some of the poorer sections of Memphis on the start of their trip to Marks and then Washington.

In defiance of the some 200 state troopers that have been sent into this town, the Rev. Ralph David Abernathy, who has assumed the leadership of the Southern Christian Leadership Conference staged a demonstration just before dusk yesterday at the red brick, white-columned Quitman County Building here.

Abernathy and some 1,000 demonstrators who had spent the day singing freedom songs, marching, riding and marching again in Marks, sat in the parking lot of the county building and sang songs to chide about 100 troopers guarding the courthouse and office building.

Marks has taken on special significance for the SCLC organizers because Abernathy has said it is the last place he saw King cry over the poverty conditions here, the poorest county in the nation.

In Marks on Wednesday, seven SCLC staff workers were jailed and a group of students demonstrating at that facility was clubbed and chased away by the troopers. The workers are now on bond.

SENATORS DERIDED

Abernathy told his demonstrators at the rally in the parking lot that they had no water and toilet facilities at the camp site and that they would have to spend the night in private homes and in churches. Many later returned to Memphis for the night, it was reported.

With many members of the crowd singing the chant that had been heard all day, "Who's our leader, Aber-na-thy," the civil rights leader joked about how he had driven the wagon drawn by two brown mules, Ada and Lully, for a short while in the march through Memphis. He said, "When I said 'Gee,' they would go to the right; when I said 'Haw,' they would go to the left. Some of those senators up there are more stupid and stubborn than those mules."

During the trip from Memphis, a helicopter carrying newsmen covering the march was hit by a bullet as it circled over the demonstrators, according to United Press International.

The helicopter, carrying television cameramen Reggie Smith and Larry Pomeroy, was forced to land in the front yard of a home after it was struck by a .22-caliber bullet. No one was injured, authorities said.

GATHER IN CHURCH

Smith, who later returned to Memphis, said the bullet cracked through a landing skid of the six-place Huey helicopter. He said the shot did not affect the helicopter's flight.

When the Memphis buses first arrived here the demonstrators, joined by several hundred members of this community, crowded into an old clapboard church with a sagging floor. The sun filtered in through some gaps in the wall.

In stifling 80-degree heat, Abernathy said he had not intended to come to this town so early with so many people but that the arrest of the SCLC organizers Wednesday proves that "Charlies will never learn the lesson. Charley always makes the movements. We wouldn't have come if the people hadn't been beaten."

SCLC had planned to walk the 70 miles through the flat monotonous Mississippi countryside from Memphis, arriving here tomorrow. Then they were to make plans for the two caravans of demonstrators who will leave here Tuesday for Washington in a mule-drawn train and in a freedom train.

The freedom train will be the first caravan to arrive in Washington—on May 12. This group will build a tent and shack city, "The New City of Hope," possibly on parkland.

Abernathy said of his reception in Marks, that it's too bad officials in Mississippi weren't as smart as the Memphis police department, "who did everything they could to get us out of town."

In Memphis, Abernathy was under intense police protection. When it came time for him to leave, several police cars escorted the seven Greyhound scenic cruisers to the state line in a high-speed caravan.

The buses did not receive any escort as they started down the narrow Mississippi highways. Three patrol cars, however, were seen all along the way. At one point after the lead bus carrying Abernathy passed the state line, a trooper stopped the bus and informed the group that the bus did not have Mississippi state tags.

TOLD TO STAY IN BUS

Abernathy got out of the bus and said, "That's just fine with us. We're going to get out of the bus and walk down your highway."

The state patrolman told Abernathy to get back on the bus and go on his way.

An attitude of cooperation with the march is evident in this town. There is talk of setting up a press headquarters for out-of-town newsmen, often distrusted in the South when covering civil rights stories.

One official, N. M. Gore, a Marks lawyer and a state representative, said the community believes the whole thing is distasteful but "if they're gonna come, we want it to be quiet and peaceful, and then we want them to go and leave."

By late in the evening, most of the people who had spent the long day demonstrating were exhausted, but promised to demonstrate more if they did not get their facilities. Gore said the county would put in water lines, electrical lines and set up toilets.

In Memphis at the King memorial service, Abernathy set the mood of the campaign when he announced, "The days of weeping are ended. The day of the marching has come."

During the emotional ceremony on the balcony of Room 306, which will become a shrine to the slain Nobel Peace Prize winner, his widow, Mrs. Coretta King, stood on the spot where he had fallen from the sniper's bullet and unveiled a marble memorial to his memory.

He was assured by women of the city that they would keep fresh flowers on the balcony indefinitely.

[From the Evening Star, May 3, 1968]

INSTANT WELFARE

The Supreme Court hearing the other day on a lower court ruling which struck down the District's one-year residency requirement for welfare eligibility produced a warning that was disturbing, to say the least. Arguing for reversal, Assistant Corporation Counsel Richard W. Barton said the provisions of the lower court decision which now prevail might make the District of Columbia liable for payment of welfare claims from thousands of participants in the forthcoming Poor People's Campaign here.

At first blush the suggestion sounds absurd. For no such catastrophic drain on the District's limited supply of welfare dollars by visiting demonstrators was intended by any welfare statute passed by Congress. And of course no such drain should, under any cir-

cumstances, be countenanced by the city, Congress or the courts.

Perhaps the issue will not even arise. We hope not. There has been no suggestion of any intent to file such claims by the organizers of the Washington march, who have indicated that their plans would include adequate provison for the needs of the marchers during their stay here.

The plain fact is, however, that no one at this point really knows very much about what turn the march will take, what its magnitude will be or how effective its advance planning. In this sort of chaotic atmosphere Barton's warning is neither frivolous nor inconsequential. It is being viewed by welfare officials with a good deal of concern, and its ramifications are being carefully examined by the city's legal office, as well they should be.

Judge Holtzoff, in a vigorous dissent several months ago to the three-judge ruling which set aside this city's one-year residency requirement for welfare, argued that the restriction was a reasonable safeguard against the likelihood that the Nation's Capital might become "a Mecca for migrants" from other areas. He also defended the provision as "a legitimate legislative function" in which the courts had no business meddling. The discussion before the Supreme Court the other day lends to these words a singularly prophetic ring.

Indeed, the lifting of the residency requirement already has had an impact greater than most of the experts predicted. Since the first of the year, the Welfare Department has received 324 applications from families living in the District less than a year. Eighty-four had been in the city less than two months. Currently, about 10 percent of the department's monthly applications come from residents who have been here less than a year.

Despite the increased costs, perhaps an additional burden of these dimensions would not be unreasonable to bear under normal circumstances. The conditions prevailing in Washington today, however, are not normal, and the outlook for the weeks and the months ahead is as abnormal as one could possibly imagine.

In terms of the march on Washington it is regrettable, in our opinion, that the lower-court ruling was not stayed until the residency issue could be determined finally by the Supreme Court. Lacking that safeguard, the District's obligation now is to take all possible steps to assure that the short supply of welfare dollars remains available for those bona fide residents of Washington who need help.

[From the Washington Daily News]

ABERNATHY AND THE MARCH

The Rev. Ralph Abernathy and the small vanguard of the Poor People's Campaign organized by the late Dr. Martin Luther King Jr., wound up winners in their three days of meeting with Washington officialdom.

It's too bad they can't quit while they are ahead. But the long-planned march to Washington by several thousand of the nation's needy, already is under way and Mr. Abernathy, successor to Dr. King as head of the Southern Christian Leadership Conference, seems determined that it continue.

Mr. Abernathy and his advance party were received courteously, even warmly, by most Cabinet officers and Congressional leaders to whom they addressed their demands. Even those officials kept waiting for hours and tongue-lashed—sometimes for problems over which they had no jurisdiction—responded civilly to their tardy visitors.

The campaign leaders' demands were fully heard, in both private and public. Many of their listeners readily endorsed the goals of more meaningful jobs, better housing, more liberal welfare benefits, more food for the hungry, Federal programs more responsive to need. In fact it would be a mean-spirited fellow who could not agree to these aims.

But the problem is not lack of compassion but of resources—both human and financial—to cure all of a sudden the accumulated ills of centuries. Already Government is spending more and working harder to root out poverty and its causes than ever in our history. And the visit of Mr. Abernathy and his vanguard amply made the case for even greater effort.

The main body of marchers of course, has every right to march and petition, as the Administration has made clear. But some of their leaders have threatened "militant" civil disobedience if Congress doesn't snap to—a technique unlikely to win Congressional sympathy. Nor can the possibility that the lawless will use the march to foment violence be dismissed. This would further deplete the existing fund of goodwill here.

If the marchers must march, they would best serve their cause by making their visit as brief, constructive and orderly as possible.

[From the Washington Daily News]

WHAT ARE EQUAL RIGHTS?

In these trying times, it is almost impossible to remain neutral and not become branded an "Uncle Tom" when asked to voice an opinion on civil rights. Black power is not in my vocabulary, but equal rights is.

True, we Negroes have been denied our equal rights as set forth in the Constitution all of our lives, and there is no reason to become elated over a series of watered-down civil-rights bills passed by "I-could-care-less" Congressmen who seem to think they can hand out one equal right every three or four years at their pleasure and not as tho it was their sworn duty to insure each citizen that he will receive the full benefits of a democratic government.

This does not mean for us to expect something for nothing. We demand the white man's respect but how many of us really deserve it?

It has been my experience a million times to go in stores where Negroes own the business. Man, it's something else! Usually the prices are higher than those of the white man whom we always complain about. Clerks are generally indifferent and discourteous.

Go in a Negro grocery store, check the prices, and look how dirty and unattractive it is. Courtesy? Forget it. Gas stations are really tough. "Whad d'ya want man?" Oh that cheap gas, huh?" Asking them to check under the hood or to wipe the windshield seems to be a Federal offense.

In the stores downtown, if you want to get a dirty look, just interrupt a conversation between two Negro employes because you want service. A lot of Negroes will see you coming and go the other way. When it's the only thing left to do, they may wait on you, but don't look for a smile. They actually seem to resent waiting on you because you are a Negro and they are doing you a favor to take your money. Yet the white clerks invariably walk up and ask you with a smile, "May I help you, sir?" or "Thank you, sir."

I can't understand how so many Negroes who depend on the public for their livelihood can remain so hostile toward Negro customers and treat us like dogs. Yet, we holler, "Give us our dignity."

I admit that I have seen numerous cases in which I thought a policeman used poor judgment of unnecessary force on a Negro, but let some thug pull a knife or gun on someone on a bus or in the street, and how many irate Negro citizens will protest, try to help, go get help, write an auto tag number down, or bear witness and offer to testify in court? Police arrive on the scene, start asking for witnesses, and unfortunately everyone was watching a flying saucer at the time, or had gone stone blind—temporarily.

Yet we speak of pride in terms that would make one feel as though we should be able to walk on the waters, all of being real, live, beautiful, black Gods who can do no wrong.

Let's take a real look at ourselves. We can command respect by being respectful of other's rights. It's that simple.

NORMAN E. SHANKLIN.

[From the Washington Daily News]

TWELVE NEW FIRES LAST NIGHT: BURNING, BREAKING GO ON

Arson and vandalism continued to plague the District last night.

There were 14 "suspicious" fires between 5 p.m. and early today but officials said all 14 were in previously damaged buildings.

A large number of the fires were in the H-st ne area, damaged heavily during the riots last month.

Insp. John Kinney said last night was "one of the busiest" for firemen and police in terms of the number of fires reported since the riots, but said they believed only a handful of persons was responsible.

Since the April 4–6 disturbance, calls of suspected arson have been coming in at the rate of four to six a night, officials said.

At one point last night, the police communications dispatcher radioed "They're setting fire from buckets of gas alongside business places" in the area around Seventh and H streets ne. One fire in that area was in the rear of McBride's department store. It was quickly extinguished. There was no indication if gasoline was found there. One coffee can of gasoline, police said, was found a block away.

Two Negro teen-agers were arrested for allegedly siphoning gas out of a car near another truck containing empty containers, police said. They were charged with auto tampering, one was charged with carrying a dangerous weapon.

Earlier, police arrested a man and charged him with threatening to blow up a downtown hotel with a paper bag full of Molotov cocktails. First Precinct Lt. Gerard A. Murena said they arrested Calvin Vaughn, 37, colored, of no fixed address and charged him with possessing "implements of crime" after he stepped into the lobby of the Parkside Hotel, 1336 I-st nw, and asked the night clerk and a bellhop for a match.

Meanwhile, downtown storekeepers have complained of increasing vandalism and threats by roving gangs.

First Precinct Capt. John Dials said today he's been receiving continuous phone calls complaining that the gangs—not all juveniles—"come into stores, help themselves to merchandise and tell the owners if they don't like it, 'we'll be back,' " he said.

Isolated cases of window smashing were reported again last night and there was looting at the scene of at least one fire, a previously-looted grocery store at 2757 15th-st nw, police said.

[From the Washington Star, May 3, 1968]

SCHOOLS' OBLIGATION IN MARCH STUDIED

(By John Mathews)

District school officials are trying to determine whether they have an obligation to provide schooling for children expected to arrive here later this month for the Poor People's Campaign.

Deputy Supt. Benjamin J. Henley said yesterday he has asked Corporation Counsel Charles T. Duncan to rule whether children expected to live with parents and guardians in the planned temporary village for demonstrators will come under the District's compulsory education law.

At this point, no one knows how many school-age children from 7 to 16 years old, will come to Washington. For this school term, which ends June 13, the District would not have a major problem.

LOOK AHEAD

But, school officials want to know whether children of demonstrators will be entitled to attend summer schools and what their status would be when schools resume next fall.

The 1925 Compulsory Education Act requires parents and guardians "residing permanently or temporarily in the District of Columbia" to enroll their school age children in public schools while classes are in session. The law is satisfied if children attend private or parochial schools or are instructed privately in programs approved by the District Board of Education.

This latter provision also has raised the question of whether a "Freedom School" planned for the Poor People's Campaign temporary village could be officially termed equivalent schooling.

Charles W. Cheng, the Washington Teachers Union official who is directing the "Freedom School" for the Southern Christian Leadership Conference, said yesterday there are no plans to seek accreditation from the school board.

Cheng said the "Freedom School" will be a "revolutionary approach to education and not an attempt to help children to catch up or keep up with their school work."

SCHOOL'S PURPOSE

A statement adopted this week by the steering committee of the school says:

"In essence, it is the purpose of the Freedom Schools to help the participants understand the American economic system and how it operates to keep them poor and oppressed . . . We want children and adults to learn what the public school systems have so carefully and deliberately kept from them, namely, why they are poor. The core of the curriculum will be poverty and oppression and racism."

The curriculum will be flexible and responsive to the wishes of the people attending the school, who can range from preschool children to adults, Cheng said.

"They may want to know how the system oppresses them, how do you establish a black co-op in Mississippi, how can Indians get back their land; how can an Appalachian get roads built or how to destroy the paternalistic welfare system," he added.

DISTRICT LISTS 14 NEW FIRES AS SUSPECT

The rear of a Northeast Washington home was destroyed by fire and two stores were firebombed as incidents of suspected arson mounted in the District last night and early today.

Fire officials listed 14 fires of suspicious origin, about double the number reported during the two previous nights. Damage was described as mostly minor and mostly in already-burned buildings.

Police arrested two youths they said were caught siphoning gasoline from a parked car into soft drink bottles and pouring it into paint cans similar to some found at three of the fires.

TAMPERING CHARGED

Charged with tampering with an automobile were Thomas Young Perkins, 18, of the 900 block of 8th St. NE, and Robert Earl Thomas, 19, of the 900 block of I St. NE. Perkins also was charged with carrying a dangerous weapon, a .22-caliber gas pellet gun.

In another incident, police arrested a 37-year-old man accused of threatening to burn down the Parkside Hotel, 1336 I St. NW, and charged him with possession of four Molotov cocktails.

The man was arrested about 11:30 p.m. when he allegedly returned to the hotel to renew a threat made an hour earlier when he walked in carrying a brown bag and said he was going to burn it down. He fled when police were called, but police found a bag with three Molotov cocktails several doors away, and discovered a fourth beside the Franklin Park Hotel next door, they said.

The night clerk called police again when the man returned and they arrested Calvin Vaughn, of no fixed address. He was charged with making threats and possession of criminal implements.

HOME'S REAR DESTROYED

Among the suspicious fires, Fire Inspector Herman E. Payne said a blaze at 1415 Montello Ave. NE at about 11:30 p.m. destroyed the rear of the home and spread to an adjoining residence before it could be brought under control.

Witnesses said a group of youths fled the scene shortly after the fire started. None of the occupants of the home was injured.

About the same time, a gallon jug of gasoline was ignited in front of the boarded-up Standard Tire & Battery store at 928 H Street NE. Damage was limited to the temporary plywood facing of the store.

About five hours earlier, a Molotov cocktail was hurled into the charred frame of a Pep Boys store at 1359 Girard St. NW which was fired during last month's rioting. Firemen quickly extinguished the fire.

REPEAT ATTACK

The Taper Discount store at 1134 7th St. NW was damaged by a fire that broke out about 7:30 p.m. and another, smaller blaze was reported five hours later at an adjoining building. A rear second-floor room had been damaged by fire Tuesday, and the store was hit by suspected arsonists twice late last week.

At 815 H St. NE, a small fire spread up the rear of the building and ignited the roof before firemen controlled it about 5:15 p.m. Fire officials said damage was slight.

Fire officials said youths were suspected of starting a fire about 8 p.m. outside an abandoned store at 2757 15th St. NW. Damage was limited to trash in the rear.

About 10:30 p.m. suspected looters broke into Kojak's Cut Rate Liquor Store at 1237 Mt. Olivet Road NE and a fire began in the basement. Damage was limited to empty liquor boxes and a supply of matches in the boarded-up store.

OTHER BLAZES

A fire about 1:30 a.m. in a trash room at Johnny Boy Carry-Out, 120 15th St. SE., spread to the roof, causing several hundred dollars worth of damage, fire officials said.

Other fires were reported at 1:26 a.m. at the People's store at 808 H St. NE; McBride's, 700 H St. NE at 1:58 a.m.; a trash fire at 5th Street and Florida Avenue NW at 1:39 a.m.; and at 3:59 a.m. at 1120 7th St. N.W.

Capt. John Dials, commander of the 1st Police Precinct, meanwhile reported that downtown businessmen have been making requests for increased police protection in the form of more policemen on foot patrols.

Dials said, however, there are not sufficient men available for the foot patrol work.

Vandals broke display windows in two F Street NW stores night before last.

The front window of Stewart's Men's Shop, 916 F St., was broken with four bricks according to a spokesman at the home. No merchandise was taken.

The 10th and F Streets Woodward & Lothrop store also had a plate glass window broken.

[From the Washington Post, May 3, 1968]

MARCH STARTS IN MEMPHIS—1,500 IN COLUMN HONOR KING AT MEMORIAL RITE

(By Robert C. Maynard)

MEMPHIS, May 2.—Led by a mule-drawn wagon, the Poor People's Campaign began the march to Washington today along the dirty, gray streets of the slums of Memphis.

The Rev. Ralph David Abernathy, wearing the Poor People's uniform of blue-denim dungarees, led off a column of 1500 singing, chanting marchers from the Lorraine Motel after a memorial service on the second-floor balcony where the Rev. Dr. Martin Luther King Jr. fell mortally wounded by a hidden assassin's bullet April 4.

The marchers walked nearly three miles under a blistering hot sun to the edge of the Negro slum section. There more than 300 boarded buses for Marks, Miss., which lies in one of the Nation's poorest counties.

As the caravan of eight Greyhound buses crossed the Mississippi state line, they were halted by the State Highway Patrol, who said the convoy could not continue because the Greyhound buses were not properly licensed.

Mr. Abernathy then said that that would be fine with the Poor People's Campaign, that they would leave the buses and march the remainder of the way, about 50 miles.

The Mississippi Highway Patrol decided at that point to allow the procession to continue on its way to Marks.

Arriving in Marks about 4:30 p.m. (CDT) the Memphis contingent was met by hundreds of local residents who joined first in a rally in Eudora AME Zion Church and then in a march around the Quitman County Courthouse.

Mayor Howard C. Langford estimated the crowd at the courthouse at 2000 persons.

Marks, which Dr. King once referred to as a "dungeon of shame," is a community of about 3000, more than half of whom are Negro. The median income for all persons in the County is $1500 annually, but the median income for Negroes in the city is a little more than $500 a year.

At Marks, a Columbia Broadcasting System news crew reported that their helicopter was hit by someone firing a high-powered rifle as it hovered 600 feet above the courthouse. There was no serious damage.

From Marks, the first section of the march will wind deeper into the South, picking up poor people as it goes, before heading for Washington. Other marches will set out later from Boston, Chicago, Denver, Los Angeles and Edwards, Miss., reaching Washington—like today's march—around May 12 or 13.

The Poor People's march began on the streets outside the Lorraine Motel. As the marchers moved down S. Main Street, they sang loudly and clearly "Oh, Freedom; Oh, Freedom" and "We Shall Not Be Moved."

From the young black militants of Memphis came shouts of "Soul Power, Soul Power, Ooh, Aah."

Along Texas Avenue, in the heart of the Negro slums, people stood in front of their gray shacks.

In front of 1194 Texas ave., 76-year-old Lottie Brown was asked by a reporter if she knew why the people were marching by her house.

"They are marching for us, for colored folk," she answered.

Across the street from the Brown house, Mr. Abernathy broke from the ranks of marchers and mounted two flights of outside stairs to the front door of the home of Olivia Wright, 68, and her blind daughter, Wilma Spillers, 35, who said they live on less than $100 a month.

"We're going to Washington for them," he shouted to the crowd below.

"Oh, Lord, Mr. Abernathy, I don't even have clothes to go to church," Mrs. Wright told him.

Mr. Abernathy, who succeeded Dr. King as head of the Southern Christian Leadership Conference, finally gave up marching and climbed into the farm wagon that led the march.

It was drawn by two mules named "Bullet" and "Ada," owned by 72-year-old Mack Woods, a Memphis gardener who lost one arm while working on the railroad.

At the edge of the slum section, the demonstrators boarded eight buses for the 72-mile trip to Marks. Seven advance SCLC organizers were arrested there on Wednesday and released on bond today.

The demonstrators gave up their plans to march the 72 miles to Marks and switched

to buses to give them more time to recruit in the Mississippi city.

The start of the Poor People's Campaign came after a moving memorial service to the memory of the man who conceived it to dramatize the plight of the Nation's poor.

Dressed in black crepe, Mrs. Martin Luther King Jr. helped unveil a 250-pound marble marker, which carries this inscription from Genesis 37:19–20:

"They said One to Another, Behold, Here Cometh the Dreamer . . . Let Us Slay Him . . . And We Shall See What Will Become of His Dreams."

Later, a bronze star will be placed in the cement at the spot where Dr. King fell.

Nearly 3000 persons overflowed the motel courtyard, parking lot, and swimming pool area to attend the memorial service.

Helmeted Memphis police ringed the area, some with carbines over their shoulders. Policemen were stationed on rooftops, including that of the rooming house across the street from the motel, where Dr. King's assassin took aim.

First came the singing and clapping of the old spirituals. Then came the old civil rights songs, but with a new stepped-up beat as if to mirror a new cadence of militancy in the nonviolent movement.

"Which Side Are You On, Boy?" the crowd sang. Several times the people broke into a new chant: "Whose our leader? Abernathy, Abernathy."

When Mr. Abernathy came forward to speak on the balcony, the crowd hushed.

With his Southern Baptist pulpit style, Mr. Abernathy led the people in responsive reading.

Then the Rev. A. D. King, the only brother of the slain civil rights leader, came forth and said just one sentence:

"From this spot today, we march around the walls of America's Jericho, and we march until the walls come tumbling down."

JUVENILES HARASSING MERCHANTS

A number of Seventh Street merchants are complaining that their stores have been the victims of continued harassment from juveniles during the last two months.

They charge that groups of from 4 to 15 boys and girls, usually between the ages of 8 and 16, run into their stores, go behind display counters, pulling merchandise off the shelves, and then run out.

Sometimes they get on buses and at other times continue their rampages up and down the streets, harassing other businesses.

Stores in other sections of the city have been losing plate glass windows, late at night, to vandals, who often don't take anything.

Among stores that have reported window break-ins recently are the Whelan Drug Store, Connecticut and Rhode Island Avenues nw., Tuesday night and last night; Stewart Men's Clothes, 916 F. st. nw.; Woodward & Lothrop, 11th and F Streets nw., and Capitol Gift Shop, 1404 G st. nw.

The vandals who broke the gift shop window also took jewelry valued at $200, according to police.

A group of downtown businessmen have visited Capt. John Dials, commander of the First Precinct, asking for increased police protection for their concerns in the form of more policemen on foot patrols.

Merchants interviewed in the 600 and 700 blocks of 7th Street said the rampaging gangs usually come in the afternoon around 3 o'clock. Seventh and F and 7th and G Streets are major bus-transfer points.

Sometimes they go into the stores while waiting at the bus stops, and just stand around until they see the bus coming, then engage in vandalism and run out to the buses.

"We don't want to hurt them," one merchant who asked that his name not be used said, "because they're usually so young. But something has to be done. I honestly don't know what to do and we can't honestly expect the police to give us complete protection."

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LONG of Louisiana. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

LAW AND ORDER

Mr. LONG of Louisiana. Mr. President, it was not my privilege to hear all of the statement made by the distinguished junior Senator from West Virginia [Mr. BYRD] concerning the subject of law and order, but I would say, without having heard all of it, that I am confident I would agree with most, if not all, of it.

The fact is, while he was making his statement, I was called from the Chamber to meet with some outstanding citizens of the State of California for a discussion on a completely different matter. Let me say to the Senator from West Virginia that they went out of their way to express their admiration for the courage of the Senator from West Virginia in speaking in favor of law and order no matter who might or might not like it.

I think, Mr. President, that it might be well to report briefly on the call of the Reverend Abernathy and his group to talk to the Senate leadership. It was not my privilege to be present, of course, when they talked with the leadership on the House side.

The Reverend Abernathy, Mr. Andrew Young, and the other members of their party were polite and courteous. They explained their attitude toward the poverty question and indicated they thought that more should be done about housing, and that more should be done to provide for the needy. No mention whatever was made of the negative income tax proposal which I thought might be discussed. There was some mention of the fact that Congress had passed a welfare freeze provision as part of the social security bill last year. I explained to the Reverend Abernathy and his group that we realized the problem involved in that the administration had not yet been able to implement plans for day-care centers and work training programs as we had hoped would be the case, but that we had passed an amendment as a part of the revenue bill, which is in conference between the Senate and the House, which would repeal the welfare freeze. The purpose of that amendment is to make sure that no hardship would be worked upon anyone.

There was some discussion of the problem of a mother with a dependent child being expected to work if she could work.

I explained to Reverend Abernathy and his group that it is the highest form of charity to help people help themselves, to help themselves to be self-reliant, self-supporting, and highly regarded citizens of their community, rather than merely to encourage them to be welfare clients for their entire lifetime and the lifetimes of their children.

There was some misunderstanding about what the provision was. Reverend Abernathy and his group seemed to be of the impression that that provision would require a mother of infant children to work.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. LONG of Louisiana. Mr. President, I ask unanimous consent that I may have 3 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LONG of Louisiana. That was not what we provided in last year's social security amendments at all. As a matter of fact, the Senator from Nebraska [Mr. CURTIS] offered an amendment to the bill, when we voted it through, which clearly specified that no one was going to require that a mother leave an infant child in order to earn bread and milk for the family. Congressional and administrative policy is that only in a situation where someone was available to look after the child and when that child would be properly cared for would a mother be expected to work.

As a matter of fact, Louisiana has often been described as a welfare State because we have been so liberal with our welfare program; but in Louisiana we have always insisted that if a mother has a job available to her, she would have to take that job. We refer her to the job and the mother is expected to earn her own keep if someone is able to take care of the child. We have been criticized for being too liberal in our welfare program, but we have always had that provision. We have always expected people to help themselves. The program was to help those who were not able to help themselves.

There has been a considerable amount of misunderstanding of the views of the Senator from Louisiana in spite of the fact that I have done my best to make them clear. I want to make them clear again. I explained to the group that insofar as they exercise their rights as citizens to petition Congress, they are to be applauded for coming to Washington and urging that more be done for the less fortunate and those they feel have been neglected. They will find much sympathy among us as long as they proceed in that fashion. But if they permit the group to get out of hand, if they permit it to turn to riots, as happened in Washington last month, or to the kind of lawlessness that occurred in Memphis, or to the kind of mischief that has occurred in other areas, they will not help their cause. They will not help the poor, because they will stir up a great amount of wrath among law-abiding citizens who believe in law and order.

I raised a point—I regret Reverend Abernathy has not done anything about it—which I thought his group could explain to us. In the State of Louisiana, in front of quite a number of homes, particularly homes of Negro citizens, there is a black flag or a piece of black cloth or crepe. In most instances, the black flag is there because a person living in that home has been intimidated. Some-

one has called on the telephone and said, "Either you put a black flag in front of your home or we will burn down your home." What is it for? It is supposed to imply that the house is in mourning for Rev. Martin Luther King. I would applaud anyone expressing mourning or wearing a black armband or having a flag at half mast, anything that would express regret and mourning for someone for whom they had had respect and admiration and love. That is proper. But when someone receives a call which says, "Now, either you put a black flag out there or we will burn your house down," that is not respect; that is disrespect.

I explained that to Reverend Abernathy, who said that Dr. Martin Luther King would never have approved of anything like that, and that he did not approve of it.

It just came to my attention that ladies whom I know have received this kind of threatening phone call, and some of them have been terrified. Across the street from my home there is an invalid man who has someone by to help him with his needs. That man must be helped to bed at night. This help goes home. That man was threatened and terrified, and for good reason. If they burned his house down, that man would be powerless to leave. He would be killed, just as people were killed in the riots in Washington when someone threw a firebomb into a store and some fine Negro citizens were trapped there, unable to escape. That is lawlessness. That is intimidation. It hurts the cause that these people hope to promote.

Reverend Abernathy told me he is against such behavior. I told him that, in my judgment, he should denounce it.

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. I yield.

Mr. McCLELLAN. Reverend Abernathy tells the Senator he is against such things as that, and yet I heard him last night on television say, "We are coming to Washington, and the Reverend King said his policy was when he came here that he was going to shake Washington up." He said, "Now we are going up there and we are going to turn it upside down and downside up."

Is that the expression of someone who wants peace and tranquillity? Is that the expression of someone who does not believe in intimidation and force and violence? Not in my book.

If the Senator will yield a little further, I am saying to the Senator that the whole pattern of our social life today, political, economic and in almost every other way, is to get what you want by threats and intimidation and coercion, not by persuasion and reason and logic and due process, but "intimidate them and make them do it."

When I heard that last night on television, that signaled to me that there was not much credibility in the claim that "we do not want any violence and we do not believe in these things."

Mr. LONG of Louisiana. Mr. President, I ask unanimous consent to have an additional 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LONG of Louisiana. I appreciate what the Senator from Arkansas has said. I saw Reverend Abernathy on television a couple of weeks ago.

Mr. McCLELLAN. Did the Senator see him last night?

Mr. LONG of Louisiana. I did not see him last night, I regret to say, but I did hear Reverend Abernathy make a statement to a screaming crowd that he would lead a movement to Washington and that he would turn this place upside down and downside up.

Then I saw Reverend Abernathy on the "Today" show a few days later. On the "Today" show he was as responsible, as gentlemanly, and as dignified as anyone could ask.

Mr. McCLELLAN. When the Senator heard what he said before a crowd, he could not possibly conceive, could he, that it would have no impact in inflaming that crowd to come up here for the purpose he said, when he said it without any qualification?

Mr. LONG of Louisiana. The way it sounded before the crowd, someone could interpret it to mean "Let's have a riot that will make the last riot look like play."

Mr. McCLELLAN. Then they say, "We do not mean riot." As long as they put on demonstrations to incite people to civil disobedience and lawlessness, they will never convince me they do not believe in violence.

Mr. LONG of Louisiana. What the Senator says, of course, makes sense.

When I saw the Reverend Abernathy on the "Today" program, I thought he spoke with admirable restraint. He said, "Well, now, just a minute"—in a very dignified, quiet, conversational tone that would make one instinctively like the man—he said, "Now, just one moment." He said, "I did say I propose to turn this Nation upside down; but I also said I wanted to turn it rightside up."

The way he explained it would tend to allay one's fears.

But now to say those same words in a different way or in a different context might mean something entirely different. And if those words are really meant to intimidate, I for one do not intend to be intimidated. However, if this Government is going to back up a chief of police who says he will not shoot felons when they burn a place down, so be it. Let us just see what is really intended.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield, just for a correction?

Mr. LONG of Louisiana. I yield.

Mr. BYRD of West Virginia. I know the Senator wants the RECORD to be correct. He referred to a statement which was made not by the Chief of Police, but by the Director of Public Safety.

Mr. LONG of Louisiana. I thank the Senator.

Mr. BYRD of West Virginia. Mr. Murphy, I believe the Senator was speaking of.

Mr. LONG of Louisiana. Yes. If this Government wants to support a position that will let someone burn down the very Capitol Building itself before force is employed to stop him. I will do what I can in my meager way to save the Capitol Building. It is, admittedly, difficult to pit a glass of water against a firebomb or a half-gallon bottle of gasoline. But I will do what I can to try to save this beautiful old building.

But if they want to burn it down, Mr. President, and if the Mayor of this city and the Director of Public Safety do not see fit to defend this Government with the proper degree of force, then, as I have said before, it is just too bad. I will then vote to move the Capital away from this Federal City to one of the sovereign States which has a Governor who has the courage to enforce the law. In Louisiana we have such a Governor.

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. I yield.

Mr. McCLELLAN. How can the Governor enforce the law, if the President takes the power away from him? I do not quite agree with the Senator. I think there should be the power in a government—and I know there is that power in this Government today—to protect itself. This Government is not impotent from any lack of physical power or lack of legal power to protect itself. If there is any impotence, it is in the lack of courage and will to do it. We can, if we will, protect this Capital.

Do you know what I think? I think the President of the United States should make the positive statement, and let it ring out across the land, for all to hear, that there will be no rioting in this city, and that they will not tear it up, upside down or downside up, and if they come here with that purpose, they will meet with sufficient resistance to prevent it, or to quell it if it starts.

Mr. LONG of Louisiana. Mr. President, that is the way it would be handled in Louisiana.

Mr. McCLELLAN. That is how it ought to be handled anywhere in America, or anywhere under law and order.

Mr. LONG of Louisiana. I quite agree with the Senator. But much as I admire the Senator—and I know of no man in this body I admire more than the able senior Senator from Arkansas—I believe the Senator is somewhat in error when he says that a Governor of a State could not save this Capitol if it were located in his State. Our Governor would save it, anyway.

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. I yield.

Mr. McCLELLAN. Is this not an awfully sad commentary on the state of affairs in this grand country of ours, when we find ourselves saying that if the Federal Government cannot do it, we have a Governor in Louisiana who can?

Mr. LONG of Louisiana. Yes, we have, and I am proud to say it.

Mr. McCLELLAN. I join the Senator; I, too, am proud of his Governor, if he has the power to save the capital.

Mr. LONG of Louisiana. If we move the capital down there he will save it, Mr. President.

Mr. McCLELLAN. If they burn it down, as the Senator says, I am willing to move it somewhere where they can protect it.

Mr. LONG of Louisiana. I am proud to say that we have a good Governor in Louisiana, who knows how to handle things like that so that nobody gets hurt or shot. Police are employed to keep

law and order with whatever force is necessary.

Mr. McCLELLAN. But that is police brutality.

Mr. LONG of Louisiana. But it works. It is very effective.

We had a parallel situation that happened in Louisiana. Initially, it received a lot of publicity, and then its news value evaporated, because nobody got hurt, nobody was shot, and no houses were burned.

What happened was that some people who had previously been getting a lot of publicity in Bogalusa, La., decided that the publicity value of their movement was being dissipated, so they decided to march on the capital at Baton Rouge.

Unfortunately, they decided to march through an area where the Ku Klux Klan was the strongest; so the Governor called out his State police. When the marchers went through the area of the State where the Ku Klux Klan was the strongest, the State police had some difficulty in keeping the Ku Klux Klan off the marchers, as a result of which the members of the Ku Klux Klan received enough injuries to cause them to give up any ideas they might have had of attacking the State policemen.

Then the Governor made a television announcement to the marchers, saying:

I want to tell you folks, it is perfectly all right for you to hold a demonstration on these Capitol steps, as long as you don't do any mischief. As you know, my State police inflicted injuries to others in order to protect you during the course of your march, but I want you to know that those same guns that were turned against the Ku Klux Klan would have to be employed against any one of your people who tries to burn, shoot, or cut. I have instructed the police to shoot quick.

Those were his words: "Shoot quick."

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. And he added——

Mr. McCLELLAN. Will the Senator yield?

Mr. LONG of Louisiana. I yield.

Mr. McCLELLAN. They did not have much of a riot, did they?

Mr. LONG of Louisiana. There was no riot.

Mr. McCLELLAN. Because they understood. They were told by somebody who meant what he said, and they understood that language, and they did not do it.

If they are told that about Washington, D.C., by someone with the authority, in language they cannot misunderstand, and told by someone who means it, with the power of this Government at his disposal, it will not happen in the Nation's Capital.

Mr. LONG of Louisiana. The Senator is correct. And permit me to say further, Mr. President, that the Governor of Louisiana did not have to call out his National Guard. He had the Ku Klux Klan meeting on one side of town and the marchers meeting on the other side of town, each seeking to be inflamed against the other, and nothing happened.

It can be done. It is just a matter of people having the wisdom and the courage to enforce the law.

Again I say that if these people want to come here and present their petition to Congress properly, they will receive every courtesy, every cooperation, and every kindness as far as I am concerned. They can sit there in the gallery and watch Congress and listen to Congress discuss their suggestions.

I am sure that some Members of Congress will be willing to offer amendments to implement the suggestions of these people, whether those amendments are accepted or rejected. However, if those people do not have in mind obeying the law, but have in mind creating disorder and lawlessness, I think the time will have come—and the people will settle for no less, as far as who represent them are concerned—for Congress to show that it is not made up of people who will be intimidated.

Mr. McCLELLAN. Mr. President, I wholeheartedly agree. If they want to come and present their petitions with respect to their grievances, and if those petitions are presented by people who observe the due processes of democracy in a free society, and some of the grievances are legitimate, I do not think that a Senator, a Representative, or any person with any authority in Government will refuse to give them attention. I think we will all try to understand their problems and try to help resolve them.

What is happening in America today, however—and I have just heard this afternoon a very eloquent discussion by the distinguished Senator from Colorado about what is happening on university and college campuses today—instead of following the usual course of petition and peaceful persuasion in seeking remedies for grievances, the practice today is to do it by intimidation, threats, violence, and blackmail, and by subjecting people to humiliation, discomfort, pain, and suffering in order to get what people want.

I do not believe in that practice. I do not believe our Government can survive if it is tolerated. I do not think that our society can survive if we continue to tolerate it.

The time has come when we have to draw the line. We should hear their pleas and legislate to help them as far as we can. But I agree with the Senator. I do not think that any Senator should be intimidated.

The people can come and sit in the galleries. They can come to our offices and present their cases. That is well and good. However, they say that they will come here, block traffic, sit down on the bridges, and disrupt the Government.

The leader has said:

We will go up there and stay there. And until we get what we want, there won't be any more business attended to.

That is a threat. That is intimidation. In my book that is an attempt at blackmail. I hope we will not yield to it.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. LONG of Louisiana. Mr. President, I ask unanimous consent that I may be permitted to continue for an additional 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LONG of Louisiana. Mr. President, I agree with the distinguished Senator from Arkansas. If this group wants to present its arguments, its suggestions, and its petitions to Congress, as the chairman of one of the committees that would consider some of the legislation, I would be very glad to call the committee together to hear them.

I will see that they are courteously heard. Their conduct has been most courteous and polite thus far.

If the people want to come here politely and properly to present their case as they did to the leaders of the Senate, we shall be happy to have them.

If they really want, however, to resort to intimidation, as has been suggested, they would make a serious mistake by doing so and would be doing a grave injustice to themselves and to those for whom they purport to speak.

EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDING OFFICER laid before the Senate the following letters, which were referred as indicated:

REPORT OF EXPORT-IMPORT BANK OF THE UNITED STATES

A letter from the Secretary of the Export-Import Bank of the United States, reporting, pursuant to law, the amount of Export-Import Bank insurance and guarantees issued in February and March 1968 in connection with U.S. exports to Czechoslovakia, Hungary, Rumania, and Yugoslavia; to the Committee on Appropriations.

REPORT ON NATIONAL ATMOSPHERIC SCIENCES PROGRAM

A letter from the Director, Office of Science and Technology, transmitting for the information of the Congress, a report entitled "National Atmospheric Sciences Program—Fiscal Year 1969" prepared by the Interdepartmental Committee for Atmospheric Sciences of the Federal Council for Science and Technology (with an accompanying report); to the Committee on Commerce.

REPORTS OF COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the audit of the Export-Import Bank of Washington, fiscal year 1967, dated May 1, 1968 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report of revised practices needed for acquiring control of sites for leased postal facilities, Post Office Department, dated May 1, 1968 (with an accompanying report); to the Committee on Government Operations.

NATION'S PRIVATE PENSION SYSTEM

A letter from the Secretary of Labor, transmitting a draft of proposed legislation to provide additional protection for the rights of participants in private pension plans, to establish minimum standards for vesting and funding of private pension plans, to provide an insurance program guaranteeing plan termination protection, and for other purposes (with accompanying papers); to the Committee on Labor and Public Welfare.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. PELL, from the Committee on Labor and Public Welfare, with an amendment:

H.R. 11308. An act to amend the National Foundation on the Arts and the Humanities Act of 1965 (Rept. No. 1103).

EXECUTIVE REPORT OF A COMMITTEE

As in executive session,

The following favorable reports of nominations were submitted:

By Mr. LONG of Louisiana, from the Committee on Finance:

Wilbur J. Cohen, of Michigan, to be Secretary of Health, Education, and Welfare;

John R. Petty, of New York, to be an Assistant Secretary of the Treasury;

William M. Drennen, of West Virginia, to be a judge of the Tax Court of the United States;

William M. Fay, of Pennsylvania, to be a judge of the Tax Court of the United States;

C. Moxley Featherston, of Virginia, to be a judge of the Tax Court of the United States; and

Charles R. Simpson, of Illinois, to be a judge of the Tax Court of the United States.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. MILLER:

S. 3428. A bill to provide for improved employee-management relations in the Federal service, and for other purposes; to the Committee on Labor and Public Welfare.

(See the remarks of Mr. MILLER when he introduced the above bill, which appear under a separate heading.)

By Mr. MUNDT:

S. 3429. A bill to revise the boundaries of the Badlands National Monument in the State of South Dakota, to authorize exchanges of land mutually beneficial to the Oglala Sioux Tribe and the United States, and for other purposes; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. MUNDT when he introduced the above bill, which appear under a separate heading.)

By Mr. MAGNUSON:

S. 3430. A bill to amend the Federal Aviation Act of 1958 in order to provide for certain requirements with respect to the installation of downed aircraft rescue transmitters on civil aircraft; to the Committee on Commerce.

(See the remarks of Mr. MAGNUSON when he introduced the above bill, which appear under a separate heading.)

By Mr. HOLLAND:

S. 3431. A bill for the relief of Dr. Hector Humberto Tomas Haces Hernandez; to the Committee on the Judiciary.

By Mr. McGOVERN:

S. 3432. A bill to amend the Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, and for other purposes;

S. 3433. A bill to amend the Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement of 1937, as amended, and for other purposes;

S. 3434. A bill to amend the Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, and for other purposes; and

S. 3435. A bill to amend the Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, and for other purposes; to the Committee on Agriculture and Forestry.

By Mr. SPARKMAN (by request, for himself, Mr. PROXMIRE, and Mr. BENNETT):

S. 3436. A bill to provide for the appointment of the Federal Savings and Loan Insurance Corporation as receiver, and for other purposes; to the Committee on Banking and Currency.

(See the remarks of Mr. BENNETT when Mr. SPARKMAN introduced the above bill, which appear under a separate heading.)

By Mr. CHURCH (for himself, Mr. McGOVERN, Mr. MANSFIELD, and Mr. METCALF):

S.J. Res. 168. A joint resolution to authorize temporary funding of the Emergency Credit Revolving Fund; to the Committee on Agriculture and Forestry.

(See the remarks of Mr. CHURCH when he introduced the above joint resolution, which appear under a separate heading.)

S. 3428—INTRODUCTION OF BILL TO BE CITED AS THE "FEDERAL EMPLOYEE LABOR-MANAGEMENT ACT"

Mr. MILLER. Mr. President, I introduce for appropriate reference, a bill entitled "The Federal Employee-Labor Management Act" and ask that the bill be printed in the RECORD.

The bill I have introduced, to be cited as the "Federal Employee Labor-Management Act," is designed to provide for improved employee-management relations in the Federal service.

In its statement of policy, my bill points out that due to the conflict between the right to strike on the part of employees and the public interest that governmental services not be interrupted, it is essential that Federal employees be provided a prompt and fair method of settling their grievances.

The statement of policy also provides that the right of employees of the Federal Government and the officers or representatives of a union or organization of employees to present grievances without restraint, coercion, interference, intimidation, or reprisal is recognized and encouraged; and violation of this right on the part of any administrative official is contrary to the public interest.

Provision is made for the Secretary of Labor, with the approval of the Civil Service Commission, to promulgate rules and regulations to be followed by the executive agencies in developing and administering labor-management programs. Also, the Department of Labor, with the approval of the Civil Service Commission, is to prepare standards of conduct for unions or organizations of Government employees and a code of fair labor practices in employee-management relations in the Federal service with a view to securing uniform and effective policies and procedures.

The grievance procedure I have outlined in my bill would provide for the services of the Federal Mediation and Conciliation Service; and if these were not fruitful then a party to the controversy could invoke the services of a labor-management relations panel. This panel would consist of three members: one nominated by the union or organization of Government employees; or, if an aggrieved employee is not a member of such union or organization, then one nominated by him; one member representing the management level of the executive agency; and one member appointed by the Civil Service Commission from outside the Federal Government who has experience in the labor-management field and possesses a reputation for impartiality.

The makeup of such a panel insures that the public will be represented, that the employee or union will be represented, and that the management level of the agency will be represented. Also, the representation of both the employee or union side and the management side will be agency oriented, so that problems and conditions peculiar to the agency will be recognized and taken into consideration—a point that is frequently overlooked by proposals to establish an arbitration panel completely divorced from any Federal agency.

Appropriate exceptions are made in the case of Federal agencies having to do with intelligence, investigative, or security functions, and in the case of the office of the President.

Mr. President, if legislation such as this is acted on favorably, I believe it would represent a great step forward—a long overdue step, I might add—toward improving the employee-management climate of our Federal Government. I hope that all interested people will support its earliest consideration by the committee.

THE PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 3428) to provide for improved employee-management relations in the Federal service, and for other purposes, introduced by Mr. MILLER, was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

S. 3428

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Employee Labor-Management Act".

LABOR-MANAGEMENT RELATIONS

SEC. 2. (a) Chapter 71 of title 5, United States Code, is amended by adding at the end thereof the following new subchapter:

"SUBCHAPTER III—LABOR-MANAGEMENT RELATIONS

"§ 7161. Policy

"(a) Due to the conflict between the right to strike on the part of employees and the public interest that governmental services not be interrupted, it is essential that Federal employees be provided a prompt and fair method of settling their grievances.

"(b) The right of employees of the Government of the United States and the officers or representatives of a union or organization of such employees to present grievances without restraint, coercion, interference, intimidation, or reprisal is recognized and encouraged. Violation of this right on the part of any administrative official is contrary to the public interest and shall be cause for appropriate disciplinary action on the part of the executive agency concerned.

"§ 7162. Definitions

"For the purposes of this subchapter—

"(1) 'grievance' means a complaint by any employee in the executive branch of the Gov-

ernment of the United States against the management of an executive agency, concerning the effect, interpretation, application, claim of breach, or violation of any law, rule, or regulation governing conditions of employment, which the head of an executive agency has the authority to correct; and

"(2) 'union or organization of Government employees' means any national organization or its affiliates, made up in whole or in part of employees of the Government of the United States, in which the employees participate and pay dues, and which has as one of its basic and central purposes dealing with the management of an executive agency concerning conditions of employment, but shall not include any organization whose basic purpose is solely social, fraternal, or limited to a single special interest objective which is only incidentally related to conditions of employment; and shall not include any organization which, by ritualistic practice, constitutional or bylaws prescription, by tacit agreement among its members or otherwise, denies membership because of race, color, religion, national origin, preferential or nonpreferential civil service status, or any organization sponsored by a department, agency, activity, organization, or facility of the Government of the United States; and

"(3) 'conditions of employment' shall include, but not be limited to, working conditions, work schedules, work procedures, automation, safety, transfers, job classifications and assignments, details, promotional procedures, demotions, rates of pay, reassignments, reduction in force, hours of work, disciplinary actions, and such other matters as may be specified by law, rule, or regulation.

"§ 7163. Labor-management programs

"(a) The Secretary of Labor, with the approval of the Civil Service Commission, is authorized and directed to promulgate rules and regulations not inconsistent with the provisions of this subchapter to be followed by executive agencies in developing and administering labor-management programs.

"(b) Upon a finding by the Commission that an executive agency has failed to develop an adequate labor-management program or has permitted administrative violations of such program to occur, the Secretary of Labor shall, with the approval of the Commission, develop an adequate labor-management program and/or administer such a program in such agency until satisfactory evidence is produced by the agency that the deficiency has been eliminated.

"§ 7164. Fair labor practices

"The Department of Labor, with the approval of the Civil Service Commission, shall prepare (1) standards of conduct for unions or organizations of Government employees, and (2) a code of fair labor practices in employee-management relations in the Federal service appropriate to assist in securing the uniform and effective implementation of the policies, rights, and responsibilities described in this subchapter.

"§ 7165. Grievance procedure

"In the case of disputes resulting from unresolved grievances, or from disagreement between a union or organization of Government employees and an Executive agency over the policies enumerated in section 7161 (b) of this title, the following procedure shall be followed:

"(1) Any party may invoke the services of the Federal Mediation and Conciliation Service which shall immediately assign one or more of its mediators to work with the parties using every effort to bring the parties to an agreement.

"(2) If such efforts to bring about an amicable settlement through mediation and conciliation are unsuccessful, then a party to the controversy is authorized to invoke the services of a labor-management relations panel, hereinafter provided for.

"(3)(A) The Civil Service Commission shall appoint a labor-management relations panel for each dispute which has not been settled through mediation and conciliation. The panel shall consist of the following three members:

"(i) one member nominated by the union or organization of Government employees representing the employee or employees involved in the grievance, or, if an employee is not a member of a union or organization of Government employees, one member nominated by the employee;

"(ii) one member representing the management level of the Executive agency; and

"(iii) one member who is not receiving compensation from the Government of the United States and who has experience in the labor-management field and possesses a reputation for impartiality.

"(B) Each member of the panel who is appointed from private life shall receive $100 for each day (including travel time) during which he is engaged in the actual performance of his duties as a member of the panel. A member of the panel who is an officer or employee of the Government of the United States shall receive no additional compensation. All members of the panel shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of such duties.

"(4) After its services have been invoked, the panel shall assist the parties in arriving at a settlement through whatever voluntary methods and procedures it may consider to be appropriate.

"(5) If the panel is unable to assist the parties to arrive at a settlement through other means, it shall promptly hold hearings at which both parties shall be given a full opportunity to present their case.

"(6) After the hearings have concluded, the panel shall, as soon as possible, render its decision in writing on the matters in dispute. This decision shall be promptly served upon the parties to the proceeding and shall be final and binding upon all parties.

"(7) Employees of the Government of the United States who participate on behalf of any party in any phase of the panel proceeding shall be free to do so without suffering any loss in pay. All such employees shall be free from restraint, coercion, interference, intimidation, or reprisal for their participation.

"§ 7166. Exemptions

"(a) This subchapter shall not apply to—

"(1) the Federal Bureau of Investigation;

"(2) the Central Intelligence Agency;

"(3) The office of the President of the United States; or

"(4) an Executive agency, or to an office, bureau or entity within such agency, primarily performing intelligence, investigative, or security functions, if the head of the Executive agency determines that the provisions of this sub-chapter cannot be applied in a manner consistent with national security requirements and considerations.

"(b) When the head of an Executive agency deems it necessary to the effective performance of the agency's duties, and subject to such conditions as he may prescribe, he may suspend any provision of this sub-chapter with respect to any agency installation or activity which is located outside of the United States."

(b) The analysis of chapter 71 of title 5, United States Code, immediately preceding section 7101, is amended by adding at the end thereof the following:

"SUBCHAPTER III—LABOR-MANAGEMENT RELATIONS

"Sec.
"7161. Policy.
"7162. Definitions.
"7163. Labor-Management programs.
"7164. Fair labor practices.
"7165. Grievance procedure.
"7166. Exemptions.".

S. 3429—INTRODUCTION OF BILL FOR INDIAN JUSTICE

Mr. MUNDT. Mr. President, I am today introducing legislation which represents the fruits of long and arduous negotiations in resolving the competing claims for the use of excess Federal lands in the Pine Ridge Aerial Gunnery Range located in Shannon County, S. Dak. Some months ago the Defense Department declared 253,100 acres excess to its needs resulting in conflicting requests for the land. This bill provides for transfer of that land to the Secretary of the Interior.

The history of the gunnery range goes back to 1942 when the Government acquired necessary land to establish an area for bombing and aerial gunnery training for personnel stationed at the Rapid City Air Force Base and other bases across the country. In a patriotic effort to assist the war effort during the early years of that war, individual Indians, the Oglala Sioux Tribe, and other landowners agreed to facilitate transfer of the necessary land located on the Pine Ridge Indian Reservation to the Federal Government for that purpose. During negotiations Indian landowners were told that they could get their land back when the war was over and the land was not needed for the gunnery range.

Following the Defense Department's determination that it no longer needed the bulk of the land within the boundaries of the gunnery range, the former Indian landowners, the Oglala Sioux Tribe, sought portions of the land involved. In addition, the Department of Interior wanted part of the excess gunnery range lands for inclusion in a proposed enlargement of the Badlands National Monument which lies adjacent to the gunnery range and to the Indian reservation. Finally the Air Force was interested in affecting an exchange of land for an area being leased from our tribe.

This bill proposed by the Department of the Interior provides an adequate accommodation of these diverse interests. The moral obligation to the Indian landowners would be discharged by giving them or their heirs the opportunity to reacquire their lands or substitute lands. The Badlands National Monument boundaries will be enlarged to include additional spectacularly scenic lands that should be a part of that area set aside for the enjoyment of the American public. The tribe will get any excess gunnery range land not purchased by former owners.

The land transactions authorized by this bill will require no Federal appropriation except for the cost incurred by the Park Service in acquiring easements for the Badlands Monument on approximately 10,000 acres of land outside the gunnery range. These easements will be needed primarily for the construction of roads. The costs for the enlarged monument area will reach approximately $9 million over a 5-year period.

I ask unanimous consent that the bill may be printed in the RECORD.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 3429) to revise the boundaries of the Badlands National Monument in the State of South Dakota, to authorize exchanges of land mutually beneficial to the Oglala Sioux Tribe and the United States, and for other purposes, introduced by Mr. MUNDT, was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the RECORD, as follows:

S. 3429

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to include lands of outstanding scenic and scientific character in the Badlands National Monument, the boundaries of the monument are revised as generally depicted on the map entitled "Badlands National Monument", numbered NM–BL–7021B, dated August 1967, which is on file and available for public inspection in the offices of the National Park Service, Department of the Interior. The Secretary of the Interior may make minor adjustments in the boundaries, but the total acreage in the monument may not exceed the acreage within the boundaries depicted on the map referred to herein. Lands within the boundaries of the monument that are acquired by the United States shall be subject to the laws and regulations applicable to the monument.

SEC. 2. (a) Subject to the provisions of subsection (b) hereof, the Secretary of the Interior may, within the boundaries of the monument, acquire lands and interests in lands by donation, purchase with donated or appropriate funds, or exchange, except that any lands or interests in lands owned by the State of South Dakota, a political subdivision thereof, or the Oglala Sioux Tribe of South Dakota may be acquired only with the consent of owner. Notwithstanding any other provision of law, lands and interests in lands located within the monument under the administrative jurisdiction of any other Federal agency may be transferred to the administrative jurisdiction of the Secretary without a transfer of funds.

(b) As to lands located within the boundaries of the monument but outside the boundaries of the gunnery range referred to in section 3 hereof, the Secretary of the Interior may acquire only rights-of-way and scenic easements.

SEC. 3. Inasmuch as (A) most of the lands added to the Badlands National Monument by section 1 of this Act are inside the boundaries of the Pine Ridge Sioux Indian Reservation, (B) such lands are also within a tract of land forty-three miles long and twelve and one-half miles wide which is in the northwestern part of such Indian reservation and has been used by the United States Air Force as a gunnery range since the early part of World War II, (C) the tribal lands within such gunnery range were leased by the Federal Government and the other lands within such gunnery range were purchased by the Federal Government from the individual owners (mostly Indians), (D) the Department of the Air Force has declared most of such gunnery range lands excess to its needs and such excess lands have been requested by the National Park Service under the Federal Property and Administrative Services Act of 1949, (E) the leased tribal lands and the excess lands within the enlarged Badlands National Monument are needed for the monument, (F) the other excess lands in such gunnery range should be restored to the former Indian owners of such lands, and (G) the tribe is unwilling to sell its tribal lands for inclusion in the national monument, but is willing to exchange them or interests therein for the excess gunnery range lands, which, insofar as the lands within the gunnery range formerly held by the tribe are concerned, should be returned to Indian ownership in any event, the Congress hereby finds that such exchange would be in the national interest and authorizes the following actions:

(a) All Federal lands and interests in lands within the Badlands Air Force gunnery range that are outside the boundaries of the monument and that heretofore or hereafter are declared excess to the needs of the Department of the Air Force shall be transferred to the administrative jurisdiction of the Secretary of the Interior without a transfer of funds.

(b) Any former Indian owner of a tract of such land, whether title was held in trust or fee, may purchase such tract from the Secretary of the Interior under the following terms and conditions:

(1) The purchase price shall be the total amount paid by the United States to acquire such tract and all interests therein, plus interest thereon from the date of acquisition at a rate determined by the Secretary of the Treasury taking into consideration the average market yield of all outstanding marketable obligations of the United States at the time the tract was acquired by the United States, adjusted to the nearest one-eighth of 1 per centum.

(2) Not less than $100 or 20 per centum of the purchase price, whichever is less, shall be paid at the time of purchase, and the balance shall be payable in not to exceed 20 years with interest at a rate determined by the Secretary of the Treasury taking into account the current average market yield on outstanding marketable obligations of the United States with twenty years remaining to date of maturity, adjusted to the nearest one-eighth of 1 per centum.

(3) Title to the tract purchased shall be held in trust for the purchaser if it was held in trust status at the time the tract was acquired by the United States; otherwise, the title to the tract purchased shall be conveyed to the purchaser subject to a mortgage and such other security instruments as the Secretary deems appropriate. If a tract purchased under this subsection is offered for resale during the following ten-year period, the tribe must be given the first right to purchase it.

(4) The unpaid balance of the purchase price shall be a lien against the land if the title is held in trust and against all rents, bonuses, and royalties received therefrom. In the event of default in the payment of any installment of the purchase price the Secretary may take such action to enforce the lien as he deems appropriate, including foreclosure and conveyance of the land to the Oglala Sioux Tribe.

(5) An application to purchase the tract must be filed with the Secretary of the Interior within one year from the date a notice is published in the Federal Register that the tract has been transferred to the jurisdiction of the Secretary.

(6) No application may be filed by more than five of the former owners of an interest in the tract. If more than one such application is filed for a tract the applicants must agree on not more than five of the former owners who shall make the purchase, and failing such agreement all such applications for the tract shall be rejected by the Secretary.

(7) "Former owner" means, for the purposes of subsection (b) of this section, each person from whom the United States acquired an interest in the tract, or if such person is deceased, his spouse, or if such spouse is deceased, his children.

SEC. 4. (a) All Federal lands and interests in lands within the Badlands Air Force gunnery range that are outside the boundaries of the movement, and that have been declared excess to the needs of the Department of the Air Force, and that are not purchased by former owners, under section 3(b), and all lands that have been acquired by the United States under authority of title II of the National Industrial Recovery Act of June 16, 1933 (48 Stat. 200), and subsequent relief Acts, situated within the Pine Ridge Indian Reservation, administrative jurisdiction over which has heretofore been transferred by the President from the Secretary of Agriculture to the Secretary of the Interior by Executive Order Numbered 7868, dated April 15, 1938, shall be subject to the following provisions of this section.

(b) Any former Indian owner of land that is within the Badlands Air Force gunnery range and outside the boundaries of the monument and that has not been declared excess to the needs of the Department of the Air Force on the date of the enactment of this Act may, within the period specified in section 3(b)(5), elect (i) to purchase an available tract of land described in section 4(a) of substantially the same value, or (ii) to purchase the tract formerly owned by him at such time as such tract is declared excess and transferred to the Secretary of the Interior as provided in section 3(a).

(c) Any former Indian owner of a tract of land within the boundaries of the monument that was acquired by the United States for the Badlands Air Force gunnery range, and that is transferred to the Secretary of the Interior pursuant to section 2 of this Act, may, within the period specified in section 3(b)(5), elect (i) to acquire from the Secretary of the Interior a life estate in such tract at no cost, subject to restrictions on use that may be prescribed in regulations applicable to the monument, or (ii) to purchase an available tract of land described in section 4(a) of substantially the same value.

(d) Purchases under subsection (b) and clause (ii) of subsection (c) of this section shall be made on the terms provided in section 3(b).

SEC. 5. (a) Title to all Federal lands and interests in lands within the boundaries of the Badlands Air Force gunnery range that are outside the boundaries of the monument, and that are transferred to the administrative jurisdiction of the Secretary of the Interior as provided in section 3(a), including lands hereafter declared to be excess, and that are not selected under sections 3(b) or 4, and title to all lands within the boundaries of the monument that were acquired by the United States for the Badlands Air Force gunnery range, subject to any life estate conveyed pursuant to section 4(c) and subject to restrictions on use that may be prescribed in regulations applicable to the monument, which regulations may include provisions for the protection of the black-footed ferret, may be conveyed to the Oglala Sioux Tribe in exchange (i) for the right of the United States to use all tribal land within the monument for monument purposes, including the right to manage fish and wildlife and other resources and to construct visitor use and administrative facilities thereon, and (ii) for title to three thousand one hundred fifteen and sixty-three one-hundredths acres of land owned by the Oglala Sioux Tribe and located in the area of the Badlands Air Force gunnery range which is not excess to the needs of the Department of the Air Force and which is encompassed in civil action numbered 859 W.D. in the United States District Court for the District of South Dakota, if such exchange is approved by the Oglala Sioux Tribal Council. The lands acquired under paragraph (ii) shall become a part of the Badlands Air Force gunnery range retained by the Department of the Air Force. The United States and the Oglala Sioux Tribe shall reserve all mineral rights in the lands so conveyed. The right of the United States to use for monument purposes lands that were tribally owned prior to the date of this Act shall not impair the right of the Oglala Sioux Tribe to use such lands for grazing purposes and mineral development, including development for oil and gas.

(b) The Oglala Sioux Tribal Council may

authorize the execution of the necessary instruments to effect the exchange on behalf of the tribe, and the Secretary may execute the necessary instruments on behalf of the United States.

(c) After the exchange is effected the title of the Oglala Sioux Tribe to the property acquired by the exchange shall be held in trust subject to the same restrictions and authorities that apply to other lands of the tribe that are held in trust.

SEC. 6. The Oglala Sioux Tribe may convey and the Secretary of the Interior may acquire not to exceed forty acres of tribally owned lands on the Pine Ridge Indian Reservation for the purpose of erecting thereon permanent facilities to be used to interpret the natural phenomena of the monument and the history of the Sioux Nation: *Provided*, That no such conveyance shall be made until sixty days after the terms thereof have been submitted to the Interior and Insular Affairs Committees of the House of Representatives and the Senate.

S. 3430—INTRODUCTION OF BILL REQUIRING THE INSTALLATION OF DOWNED-AIRCRAFT RESCUE TRANSMITTERS

Mr. MAGNUSON. Mr. President, I introduce, for appropriate reference, a bill to amend the Federal Aviation Act of 1958 in order to provide for certain requirements with respect to the installation of downed-aircraft rescue transmitters on civil aircraft.

Mr. President, this legislation represents an attempt to respond affirmatively and expeditiously to a serious defect in our air-safety program which now threatens the safety of increasingly large numbers of U.S. citizens. The problem to which I refer is the very serious one attending efforts to locate downed aircraft.

There is at this time great urgent need for the Congress to give thoughtful attention to this matter of significant national concern. More than 100,000 aircraft of all sizes and descriptions are traveling across the skies of this great Nation each day. Millions of people each year are crossing large bodies of water and rugged mountainous terrain so remote and treacherous that no human being could long survive there. As long as man has flown aircraft and become lost, we have relied on human sight and skill to find and rescue him. The present air search and rescue methods are costly, dangerous, and unreliable. Many of these searches have been successful, but hundreds of them have not, and many lives have been lost because of these failures.

It is imperative, therefore, that action be taken. We must provide a means of accomplishing an air search which incorporates modern concepts.

Perhaps one of the most costly and disappointing air search failures occurred in my own State of Washington. On May 17, 1965, a single-engine seaplane carrying a talented and promising young Seattle city councilman, Mr. Wing Luke, was lost. Also aboard the plane was Mr. Sidney Gerber, a very prominent member of the Seattle community. The pilot's last words by radio reported the plane's position at an altitude of 5,000 feet over Lake Wenatchee. The plane was apparently about to begin crossing the rugged Cascade Mountains which separate eastern and western Washington. Weather at the time was very poor, winds were in excess of 70 miles per hour at 5,000 feet and snow was falling in many sections of the Cascade Mountain Range. When the aircraft did not arrive in Seattle on Sunday afternoon, the pilot's wife requested the Washington State Aeronautics Commission to initiate a search for the missing plane. For 14 consecutive days and nights, professional search and rescue leaders directed the efforts of thousands of volunteer searchers. Hundreds of civil and military aircraft flew a record number of hours and exhausted all available State search and rescue funds. To reinforce the State's effort, Federal military assistance was authorized and their participation alone accounted for the most extensive air search and rescue effort in the annals of Washington State aviation history. A flight of four U.S. Navy jet aircraft specially equipped for high altitude aerial photography was employed. Their efforts provided over 9,000 5- by 5-inch negatives of the northern Cascade range. Each negative was then individually evaluated by experts. It is estimated that the total cost of all participating local, State, and Federal forces totaled nearly $1 million. Despite all the expertise, all the effort, and all the cost expended in this search, the plane has never been found. There was no emergency transmitting equipment on board this plane.

Compare the most recent successful air search in Washington State which was conducted on Sunday, March 17, of this year. A young student pilot was hopelessly lost following an emergency landing at an elevation of 4,000 feet in deep snow with subzero temperatures. One of the State's search aircraft equipped with new very high frequency direction-finding equipment was directed to the last known position of the downed aircraft. Within 30 minutes the search aircraft had positively established the location of the missing plane by homing in on a radio signal transmitted from the downed aircraft. It is of utmost importance to note that the people aboard the search aircraft established the location of the downed aircraft without actual visual contact. For the first time in the State of Washington a successful air search was completed solely through use of electronic equipment.

I have referred only to examples from my own State of Washington. However, I hasten to add that no State in our Nation is without similar experiences. We are all aware of the recent tragedy in the State of California where an entire family managed to survive for more than 30 days and yet perished because they were not visible from the air. Incidents of this kind have been recorded in many Eastern States as well.

We tend to think of these disasters as occurring in areas remote from the population centers. Shockingly, however, there have been several incidents involving downed aircraft near cities or short distances from airport runways which have remained undetected for several hours or even days.

These tragedies cannot be allowed to continue unabated. Lives lost to those persons aboard unlocated aircraft is reason enough for the Federal Government to take immediate action. But this is by no means the only factor involved. Those persons who take to aircraft in search of missing planes place their lives in some jeopardy. In addition, the high cost of utilizing large numbers of aircraft and large amounts of man-hours is reaching the point where it is prohibitive. How much better it would be if we could send out one plane in the certainty that that one aircraft could in most cases find the missing plane.

At this point, I would refer those who are interested in more information on this subject to a speech delivered by the distinguished Senator from Colorado [Mr. DOMINICK] which was printed in the Extensions of Remarks of the April 10, 1968, CONGRESSIONAL RECORD. This excellent address by Senator DOMINICK demonstrates clearly why he should be considered the leading congressional advocate for the installation of locator beacons on aircraft. I share Senator DOMINICK's view that the Federal Aviation Administration's proposed rule on this matter does not go far enough and that in its present form it would likely be unenforceable. I commend Senator DOMINICK for the outstanding effort he has made in generating interest throughout the Nation in this problem. Like Senator DOMINICK, I feel that it is vital that we expedite the installation of these locator beacons, and it would appear that legislation introduced at this time will certainly aid that goal.

The very nature of today's modern, high-speed, long-range aircraft dictates that all of them must be equipped with a reliable downed-aircraft rescue transmitter. Adequate devices are now being manufactured, and mass production should reduce the prices substantially so as to put them within the means of all aircraft owners.

Further, this device could transmit on a frequency of 121.5 megacycles, which is a long-established international distress frequency. It is my understanding that all aircraft radios are equipped with this frequency.

The bill which I introduce today is a simple one. It will insure that all aircraft used for air transportation and air commerce will eventually be equipped with a downed aircraft rescue transmitter—DART. First of all, the bill would require that all manufacturers install the downed aircraft rescue transmitter—DART—in all new aircraft constructed 6 months after the date of the bill's enactment. Second, the bill would require all existing aircraft for hire to have the device installed within 2 years after the date of passage.

Third, all general aviation aircraft would be required to have the device installed within 5 years after the date of enactment.

I want to emphasize that I do not necessarily consider this legislative language to be inviolable. I intend to remain flexible, hopeful that we will develop the best possible legislative course.

Mr. President, the urgency of this problem calls for early congressional attention. Insofar as that is within my power to control, there will be prompt and, I hope, favorable consideration of this legislation.

I want to take this opportunity to ex-

press my gratitude to Mr. Ronald Pretti, director of the Washington State Aeronautics Commission, without whose encouragement and counsel this effort would not have been possible. Mr. Pretti's firsthand knowledge of this subject and his eloquent expression of views has been invaluable.

I ask unanimous consent that the bill be printed in the RECORD at this point.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 3430) to amend the Federal Aviation Act of 1958 in order to provide for certain requirements with respect to the installation of downed aircraft rescue transmitters on civil aircraft, introduced by Mr. MAGNUSON, was received, read twice by its title, referred to the Committee on Government Operations, and ordered to be printed in the RECORD, as follows:

S. 3430

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 601 of the Federal Aviation Act of 1958 is amended by inserting at the end thereof a new subsection as follows:

"DOWNED AIRCRAFT RESCUE TRANSMITTERS

"(d) Minimum standards pursuant to this section shall include a requirement that downed aircraft rescue transmitters shall be installed—

"(1) on any aircraft for use in air commerce, the manufacture of which is completed, or which is imported into the United States, after six months following the date of enactment of this subsection;

"(2) on any aircraft used in air transportation after two years following such date; and

"(3) on any aircraft used in air commerce after five years following such date."

S. 3436—INTRODUCTION OF BILL TO PROVIDE FOR THE APPOINTMENT OF THE FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION AS RECEIVER

Mr. BENNETT. Mr. President, by request, I have joined as a cosponsor of S. 3436, introduced by the chairman of the Senate Banking and Currency Committee and joined by Senator PROXMIRE, chairman of the subcommittee which would consider the bill.

The bill has two purposes. The first, which I support fully, authorizes the Federal Savings and Loan Insurance Corporation to make immediate payment to savers having shares in a savings and loan institution closed by State authorities. Generally, liquidation of such an institution or, if possible, a merger with a strong institution requires an extended period of time. It presents a hardship on many savers if they are unable to withdraw or receive any funds during such a period. The second purpose of the bill is to provide for the appointment of the Federal Savings and Loan Insurance Corporation as a receiver in any instance where it is required to use insurance funds of the Corporation to meet its liability to the State institution's savers.

This bill has been proposed because of specific problems being faced by the Federal Home Loan Bank Board which would not occur if all State authorities were properly performing the responsibilities of their offices.

The very fact that this legislation seems necessary is disturbing to me because of my philosophy that the Federal Government should not have authority over State institutions and over State authorities except in cases where the States are clearly unwilling or unable to protect the rights of their citizens.

Under present law, if a State authority finds it necessary to close a State chartered institution insured by the Federal Savings and Loan Insurance Corporation, the Corporation becomes liable to pay all shareholders the amount of their interest in the institution up to $15,000 per account.

When the State meets the requirements for such payments, the Corporation must pay the shareholders. At the same time, however, the Corporation has no authority to require that it be appointed as the receiver and thus provide an opportunity for it to liquidate the institution in such a manner as it deems would be in the interest of the insurance fund and the public.

This can result in a situation in which the Corporation pays off the shareholders—and I understand that only a very few of them have more than $15,000 in institution shares—but after making such payments from the insurance fund finds itself in the position of being unable to recoup and replenish its funds because either the court or the State authority, as the case may be, appoints a receiver who may use the appointment either for his own benefit to the disadvantage of the Corporation or may manage the assets of the defunct institution in a way so as to enrich his friends at the expense of the Corporation.

The Federal Home Loan Bank Board feels that if it is to use insurance funds contributed by all segments of the savings and loan industry, it has a responsibility to see that the assets of the institution, whose shares required payment with insurance funds, are managed or liquidated in the public interest. There is certainly merit in this approach.

On the other hand, it is also important to protect the autonomy of State governments and their authorities. Because of the large sums involved in this problem, we must meet it squarely and develop a system which conforms with both of these ends to the maximum extent feasible.

I hope that we will have early hearings in our committee so that all points of view may be expressed and that we may, because of the urgency of the situation, approve acceptable legislation in this field as soon as possible.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3436) to provide for the appointment of the Federal Savings and Loan Insurance Corporation as receiver, and for other purposes, introduced by Mr. SPARKMAN, for himself and others, by request, was received, read twice by its title, and referred to the Committee on Banking and Currency.

SENATE JOINT RESOLUTION 168—INTRODUCTION OF JOINT RESOLUTION AUTHORIZING EMERGENCY FUNDS NEEDED FOR FARMERS HOME ADMINISTRATION

Mr. CHURCH. Mr. President, emergency loans are made by the Farmers Home Administration in areas where natural disasters have caused farm production losses and a need for agricultural credit that cannot be met from regular sources.

The purpose of the emergency loan program, established in 1949 as a standby source of credit, is to help farmers and ranchers in these areas continue their operations until they can return to their regular lenders.

The loans are made out of an emergency credit revolving fund, which does not receive annual appropriations. Funds are loaned, collected, and loaned again to established farmers and ranchers who are unable to obtain financing from other sources.

This year, because of unprecedented need for these loans across the country, the revolving fund's cash assets were exhausted by the middle of March. The shortage has not been the result of loan losses; the loss rate since 1949 has been less than 2 percent. Instead, the need for more funds has been created by an extraordinary series of natural disasters.

Hurricane Beulah, with accompanying floods and tornadoes, did extensive damage last year in 16 south Texas counties which had already experienced a prolonged drought. Adverse weather conditions prevailed in 178 other Texas counties last year.

Freezing temperatures in early November did extensive damage to the 1967 cotton crops in 339 counties in Alabama, Arkansas, Georgia, Mississippi, Missouri, North Carolina, South Carolina, and Tennessee. Recent freezing conditions are expected to cause heavy losses to fruitgrowers in my own State of Idaho.

Excessive moisture and freezing temperatures at harvest time resulted in large volumes of soft corn in four Midwestern States. Fifty-eight counties in Illinois, 76 counties in Indiana, 40 counties in Iowa, and 53 counties in Ohio were affected.

Excessive moisture and freezing temperatures in the early fall of 1967 damaged the quality of crops in New England, particularly in the potato area of Maine. Potato farmers in Idaho are still dependent on this loan program to recover from the effects of several disasterous freezes in our State.

Heavy snowstorms hit Arizona and parts of New Mexico last December. The greatest damage was to breeding livestock; 13 counties in Arizona and four counties in New Mexico were designated emergency areas.

There are now 1,326 emergency loan counties in 39 States. These credit needs cannot be met unless additional cash is provided for the emergency credit revolving fund.

So, on behalf of myself, the distinguished Senator from South Dakota [Mr. MCGOVERN], and the distinguished Senators from Montana [Mr. MANSFIELD and

Mr. METCALF], I introduce a resolution providing a means to meet this need. It would authorize and direct the Commodity Credit Corporation to advance $30,000,000 to the fund for making emergency loans. The money is to be repaid to the Commodity Credit Corporation with interest. An identical resolution has already been favorably reported by the House Agriculture Committee.

Mr. President, the enactment of this resolution, added to collections expected to be received during the remainder of this fiscal year, would provide adequate funds for meeting the demand for emergency loans. Some 7,000 farm families are in need of these loans. Unless this need can be filled, many of these families will not be able to continue farming.

The PRESIDING OFFICER. The resolution will be received and appropriately referred.

The joint resolution (S.J. Res. 168) to authorize temporary funding of the emergency credit revolving fund, introduced by Mr. CHURCH, for himself and Mr. MCGOVERN, was received, read twice by its title, and referred to the Committee on Agriculture and Forestry.

ADDITIONAL COSPONSOR OF CONCURRENT RESOLUTION

Mr. BYRD of West Virginia. Mr. President, on behalf of the senior Senator from Washington [Mr. MAGNUSON] I ask unanimous consent that, at its next printing, the name of the Senator from New Hampshire [Mr. COTTON] be added as a cosponsor of the concurrent resolution (S. Con. Res. 58) expressing the sense of Congress with respect to reducing the balance-of-payments deficit by encouraging American industry and the American public to ship and travel on American ships.

The PRESIDING OFFICER. Without objection, it is so ordered.

OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1967—AMENDMENTS

AMENDMENT NOS. 710 AND 711

Mr. BYRD of West Virginia submitted two amendments, intended to be proposed by him, to the bill (S. 917) to assist State and local governments in reducing the incidence of crime, to increase the effectiveness, fairness, and coordination of law enforcement and criminal justice systems at all levels of government, and for other purposes, which were ordered to lie on the table and to be printed.

AMENDMENT NO. 714

Mr. BROOKE submitted an amendment, intended to be proposed by him, to Senate bill 917, supra, which was ordered to lie on the table and to be printed.

AMENDMENT NO. 715

Mr. DIRKSEN submitted amendments, intended to be proposed by him, to Senate bill 917, supra, which were ordered to lie on the table and to be printed.

(See the remarks of Mr. DIRKSEN when he submitted the above amendments, which appear under a separate heading.)

HIGHER EDUCATION ACT OF 1968—AMENDMENTS

AMENDMENT NO. 712

UNIVERSAL POST-SECONDARY EDUCATIONAL OPPORTUNITY

Mr. YARBOROUGH. Mr. President, I am today submitting an amendment to S. 3098, the Higher Education Act of 1968, to direct the Secretary of Health, Education, and Welfare to conduct a study of alternative plans of governmental assistance to post-secondary education and to return to Congress with a plan or plans of implementation.

With one exception the amendment is identical to one I submitted last September 12 as an amendment to the Higher Education Act of 1967, S. 1126. In the earlier amendment as in this one, the Secretary of Health, Education, and Welfare is directed to establish a commission to advise and assist him with the study; the present amendment describes the composition of that commission, to wit: That it shall include but not be limited to individuals representative of vocational schools, business schools, junior colleges, 4-year private colleges, 4-year public colleges, and State universities.

I ask unanimous consent to have printed in the RECORD the full text of the amendment to S. 3098, the Higher Education Act of 1968.

The PRESIDING OFFICER. The amendment will be received, printed, and appropriately referred; and, without objection, the amendment will be printed in the RECORD.

The amendment (No. 712) was referred to the Committee on Labor and Public Welfare, as follows:

AMENDMENT NO. 712

On page 80, after line 23, insert the following:

"PART F—STATEMENT OF CONGRESSIONAL INTENT ON APPROPRIATE GOVERNMENTAL ASSISTANCE FOR UNIVERSAL EDUCATIONAL OPPORTUNITY AT THE POST-SECONDARY LEVEL; DIRECTIVE TO THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE TO SUBMIT A PLAN AND CONDUCT A STUDY

"SEC. 491. It is the intent of Congress that universal educational opportunity at the post-secondary level be made available through appropriate governmental assistance.

"SEC. 492 (a) The Secretary of Health, Education, and Welfare shall within nine months of passage of this part into law submit to the Congress a plan, or alternative plans, for providing universal educational opportunity at the post-secondary level. A nine-member Commission, representative of the post-secondary educational community, including but not limited to individuals representative of vocational schools, business schools, junior colleges, four-year private colleges, four-year public colleges, and State universities, shall be established by the Secretary to assist him in developing such a plan or plans. It shall be the responsibility of the Commission to conduct a study of alternative plans for providing financial assistance to post-secondary education. Such plans shall include, but not be limited to:

"(1) free universal educational opportunity at the post-sceondary level made available through outright grants to students or to institutions on behalf of every enrolled student;

"(2) various systems of loans to students or to institutions on behalf of enrolled students;

"(3) the use of the income tax such as through credits or deductions, and work-study or cooperative education systems;

"(4) existing programs of public and private financial assistance, including the cold war GI bill, and programs formerly in effect, including the World War II and Korean GI bills.

"(b) The study to be made by the Commission shall include, but not be limited to, such factors as:

"(1) the actual or projected cost effectiveness of alternative plans;

"(2) the immediate and the longrun economic impact of alternative plans;

"(3) financial and social implications to individual students participating under alternative plans;

"(4) institutional implications for post-secondary education or training facilities under alternative plans.

"(c) Members of the Commission who are not in the regular full-time employ of the United States shall, while attending meetings or conferences of the Commission or while otherwise engaged in the business of the Commission, be entitled to receive compensation at a rate fixed by the Secretary, but not exceeding $100 per diem (or, if higher, the rate specified at the time of such service for grade GS–18 in section 5332 of title 5, United States Code), including travel-time, and while so serving on the business of the Commission away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons employed intermittently in the Government service.

"(d) The Secretary is authorized to furnish to the Commission such technical assistance, and to make available to it such secretarial, clerical, and other assistance and such pertinent data available to him, as the Commission may require to carry out its functions.

"SEC. 493. All other agencies of the Federal Government shall, to the maximum extent feasible, cooperate with the Secretary and the Commission toward the end of assisting them in fulfilling their functions established under this part."

AMENDMENT NO. 713

ASSURANCE OF QUALITY IN GRADUATE PROGRAMS

Mr. YARBOROUGH. Mr. President, S. 3098, the Higher Education Amendments of 1968, contains in title III a new "Part B—Improvement of Graduate Programs." The purpose of this new part is to "strengthen and improve the quality of doctoral programs of graduate schools, and to increase the number of such quality programs."

Without a doubt, this is a much-needed addition to Federal legislation affecting higher education in America. But in the course of hearings and examination of the proposed legislation it struck me that that the actual language of the proposed new part B made no provision as to what percent of the money appropriated would be used for quality. I think all of us would agree that without controls of some sort the natural tendency of administrators, both at the university level and at the Office of Education level, is to use funds to expand existing programs rather than to use funds to explore new and exciting ideas.

In short, if the Congress is truly interested in improving the quality of our graduate schools, Congress shall have to see to it that funds appropriated are spent for that purpose.

Therefore, Mr. President, I am today

submitting an amendment to S. 3098 which will provide that at least 25 percent of the funds appropriated pursuant to the new part, "Improvement of Graduate Programs," be available only for making grants for "experimental, innovative, or interdisciplinary projects or activities to strengthen the quality of doctoral programs of graduate schools."

I ask unanimous consent to have printed in the RECORD the full text of the amendments to S. 3098, the Higher Education Amendments of 1968.

The PRESIDING OFFICER. The amendment will be received, printed, and appropriately referred; and, without objection, the amendment will be printed in the RECORD.

The amendment (No. 713) was referred to the Committee on Labor and Public Welfare, as follows:

On page 13, line 24, strike out "Such grants may be used for projects or activities such" and insert in lieu thereof the following: "Not to exceed 75 per centum of the sums appropriated pursuant to this section for each fiscal year may be used for such projects and activities".

On page 14, between lines 16 and 17, insert the following new sentence: "The remaining sums shall be available only for making grants for experimental, innovative, or interdisciplinary projects or activities to strengthen the quality of doctoral programs of graduate schools."

PRESIDENT'S PRESS CONFERENCE: ANOTHER PREMIER PERFORMANCE

Mr. YARBOROUGH. Mr. President, the President's press conference was truly another premier performance of national leadership—in the national interest.

President Johnson eloquently expressed his deep desire for peace and his willingness to sacrifice self for country.

The President's peace initiative of March 31 has borne its first fruit with the press conference announcement that Paris would be the meeting place for preliminary Vietnam talks.

We must all heed the President's warning that the road to peace is fraught with hazards. Yet while false hopes of an immediate settlement are not justified, the United States has walked the first mile along the path to peace in Vietnam and Southeast Asia.

The President again pleaded that in this election year we place country above self, unity above party, peace above politics. This plea must not go unanswered.

We must match his self-sacrifice with united action to solve our urban and balance-of-payments problems. We must measure our words against their likely impact on peace negotiations.

Most important, we must join together—Democrat and Republican, young and old, poor and rich—to forge a stronger America and a better world.

THE SINGER CO. WILL PRESENT "HAWAII-HO" OVER NBC TELEVISION NETWORK MONDAY, MAY 27

Mr. INOUYE. Mr. President, we of Hawaii are keenly aware that a certain amount of water lies between our shores and those of the mainland. For many years these waters, known colloquially as the Pacific Ocean, have made communication between our shores somewhat difficult. In the days of sail, the mainland hardly knew we existed. But things have improved considerably since then. The steamship, the telephone, radio, the airplane—all have contributed in bringing our shores closer and closer together.

In recent years the medium of television has reduced the Pacific to a mere droplet. Hawaii now is a State. We also are in a state—a state of change, of growth, of modern living, a state of mind which looks eagerly to the future while at the same time carefully preserving the charm and beauty of our incomparable islands.

On the night of May 27, over the NBC Television Network, the very essence of this new Hawaii will unfold before the eyes of some 20 million or more mainlanders through the magic medium of color television in an hour-long program called "Singer Presents Hawaii-Ho." Its star will be Mr. Don Ho, a dynamic young entertainer whose popularity in our lovely islands has to be experienced to be believed. We will all be able to share that experience on the night of May 27.

We of the great State of Hawaii are deeply proud of young Don Ho. We also are proud of the fact that a great American manufacturing company, the Singer Co. has not only undertaken full sponsorship of "Hawaii-Ho," but has been actively involved in the concept and production of the show through the unceasing devotion of its young group vice president, Mr. Alfred di Scipio.

We believe that Mr. Di Scipio is a Hawaiian at heart. He has dedicated both himself and his company to bringing to our American television screens the vibrant, exciting pulse of today's new Hawaii interwoven with the unchanging loveliness of our State's oldest and most endearing traditions.

Mr. President, I am happy to invite Senators, and through them the people of America, to spend a delightful hour with us in Hawaii on the night of May 27 without having to move from the comfort of their own living rooms. Our latch is open. Please be our honored guests.

ASHLAND, WIS., BRANCH OF AMERICAN ASSOCIATION OF UNIVERSITY WOMEN WORKS HARD FOR HUMAN RIGHTS

Mr. PROXMIRE. Mr. President, I recently received a letter from the Ashland, Wis., branch of the American Association of University Women, making clear their full pledge for the cause of human rights.

The American Association of University Women possesses a tremendous record of vitality in championing human rights and I am especially pleased that the Ashland branch, from my own State, has gone on record in support of the dignity of man.

A short time earlier, I received similar words of support from the Connecticut division of the AAUW, underscoring their hard work for the fundamental human rights so essential to the worth of humans.

The AAUW of Ashland, Wis., is to be particularly commended for their excellent patriotic efforts, not the least of which is dedicating themselves to a problem of international concern and responsibility.

I ask unanimous consent that their fine letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

ASHLAND, WIS.,
April 19, 1968.

Hon. WILLIAM PROXMIRE,
Senate Office Building,
Washington, D.C.

DEAR MR. PROXMIRE: The Ashland Branch of the American Association of University Women strongly supports the principles embodied in the Human Rights Conventions on the Political Rights of Women, the Abolition of Forced Labor, and the Prevention and Punishment of the Crime of Genocide. We also feel that the United States should cooperate fully with the countries of the United Nations and others as well in attempting to outlaw these gross infringements of Human Rights on a global scale.

Therefore, we urge you to do all in your power to bring these Conventions before the Senate for approval.

Very truly yours,

MARGARET GORR,
Secretary.

MODERNIZATION OF TRANSPORT LEGISLATION—ADDRESS BY F. A. MECHLING

Mr. MAGNUSON. Mr. President, constructive ideas for the modernization of transport legislation are increasingly coming from highly useful seminars held at the Nation's major universities. A recent example is a paper delivered by Mr. F. A. Mechling, of Joliet, Ill., executive vice president of the A. L. Mechling Barge Lines, at the Texas Transportation Institute of the Texas A. & M. College.

Mr. Mechling suggests that new public interest yardsticks be developed to take into account technological improvements, efficiency in the use of the Nation's transport resources and the preservation and improvement of healthy competition. I believe that Senators will be interested in reading Mr. Mechling's paper, entitled "Unshackling New Transport Technologies: Some Principles for Needed Legislative Change," and ask unanimous consent that it be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

UNSHACKLING NEW TRANSPORT TECHNOLOGIES: SOME PRINCIPLES FOR NEEDED LEGISLATIVE CHANGE

(Remarks of F. A. Michling, A. L. Mechling Barge Lines, Inc., at Texas Transportation Institute, Texas A. & M. College, College Station, Tex., March 28, 1968)

There is always a lively interest in improving and updating transport legislation. No other industry in the country is so intimately related to the efficient performance of the economy as a whole; no other industry can so quickly bring the nation's productive activity to a halt.

The need for modernization of legislation in transportation arises out of changing requirements of the economy, the pressures of technological advances and the drive for greater efficiency of operations.

Because of the industry's importance, the

Congress maintains a special role as guardian of the public interest in its legislative capacity, with the ICC acting as its agent in the regulatory capacity. A healthy, expanding, innovating transportation industry is high on the list of essential public goals.

Concepts of the public interest change from time to time as needs of the economy change. What kind of changes are needed today?

I suggest that the most important forces leading to change are the following:

Steadily rising costs of production and distribution are observed throughout the economy. It is therefore essential, as never before, to promote maximum efficiency of performance of the transportation industry.

The nation's stake in improving its position in world markets, which means improving the balance of payments, has never been as important as it is today. The efficient performance of the economy, particularuly of its transportation services, is essential in maintaining the competitive position of U.S. goods in world trade.

The outlook for increasing demand for transportation services suggests a maximum strain on financial resources of the private companies making up the industry if the need is to be met. Heavy investments for expanded and improved facilities face every mode.

The pressure of rising demand suggests that different segments of the industry may soon be adopting more liberal attitudes towards needed changes. Ten years ago, the total transportation pie appeared limited. Someone else's gain had to be at your expense. Today, Alan S. Boyd, Secretary of Transportation warns us that we must be prepared to double the nation's transport capacity by 1980. I think the inevitable implication of this statement is that if we spend too much of our time working at the traditional activity of trying to trip each other up, many of us are likely to miss the main opportunities for profitable growth and improvement.

Inevitably, I believe, today's economic pressures will lead to greater cooperation among modes rather than greater hostility. The economy just won't be able to afford the inefficiencies resulting from old prejudices.

When we consider modernizing transportation legislation are there any general principles, beneficial alike to all modes, which might be helpful in applying as a measure to legislative changes? I suggest there may be three such measures.

Legislation should be modernized where necessary to permit and encourage technological improvement. One of the most effective ways to contain the inexhorable upward march of labor and material costs is through the development of improved technology. Road blocks in the way of technological advance should be swept away.

Legislation should be modernized where necessary to permit and encourage the most efficient use of transport resources. A well-recognized difficulty is the relative reluctance of different modes to join together in coordinated services. New legislation may be necessary to make certain that the public interest in efficient use of transport resources prevails.

Legislation preserving and improving healthy competition is of a major importance. Competition is a check to over-investment in transportation facilities, as well as a major stimulation to efficiency at all levels.

Progress in legislative modernization is sometimes made in major strides involving the adjustment of the interests of large contending forces and the resolution of important issues of public policy. The Transportation Acts of 1920, which introduced minimum rate regulation, of 1935, which regulated the motor carriers, of 1940, which regulated the water carriers, and of 1958, which amended the rule of rate making are in that category.

Substantial progress toward modernization can also be made in small steps. If the cooperation of different modes exists, these useful improvements can almost be noncontroversial. On the other hand, a growl of displeasure from one of the major segments of the transportation industry, can stall an otherwise meritorious improvement.

The Congress now has before it an interesting example of a needed modernization of the Interstate Commerce Act which is temporarily stalled for reasons having nothing to do with the merits of the proposal. It fits all the requirements of the measures of sound legislation listed above. It would encourage technological improvement leading to lower costs. It would encourage the most efficient use of transportation resources. It would encourage healthy competition within a major segment of the industry.

The various government departments which have reviewed and studied this proposal—Transportation, Justice and Agriculture—have enthusiastically endorsed it. The ICC identifies it primarily as a measure to improve competitive opportunities within the water carrier industry and is not opposed. Virtually unanimous support has come from farm groups, the grain shipping groups, the coal and chemical industries, major manufacturing groups, such as the National Industrial Traffic League, the different port groups, and a variety of state economic and industrial development departments.

Seldom have I seen so much enthusiastic support for a transportation legislative modernization.

The proposal sailed through the Senate Commerce Committee last Fall, then began its course in the House Interstate and Foreign Commerce Committee. The competitive impact of the proposal on other segments of the transportation industry is very minor. All seemed well, until suddenly, just before Christmas, one segment of transportation moved it to number one on its Christmas list of stop-priorities. Lobbyists by the dozen were sent out against it and the wheels of progress ground to a halt.

I am referring, of course, to the barge line proposal to amend section 303(b) of the Interstate Commerce Act so that those commodities which the Congress has seen fit to exempt from regulation may be handled more efficiently. The Bill, S. 1314 in the Senate and H.R. 7610, in the House, has received the endorsement of the Senate Commerce Committee. It permits barge lines to continue physically mixing regulated and unregulated commodities in river tows, thus enabling them to utilize the new technology of the large and more powerful towboats now operating on the rivers.

A modern tow now has a capacity for 40,000 tons of freight instead of about 20,000 tons, the capacity of a few years ago. Economies resulting from reductions in unit costs have already been passed on to the consumer in the form of rate reductions. The issue is of particular importance to the small shipper of a single barge load of steel, for example. Unless his single barge loads can be mixed with the high volume movements of grain and coal, he cannot enjoy the economies of the new technology. Without the right to mix, the barge lines cannot accumulate enough volume in a single tow to make full use of the higher powered tow boats.

The public stake is clear. In a time of rising prices and freight rates, a new technology which has demonstrated its ability to hold down costs and rates should be, and is, a public benefit. However, in the light of the experience before Christmas, we are advised to give up the struggle for this meritorious modernization. The huge railroad industry is against us, it is argued. We have no chance of beating its army of powerful lobbyists. If costs are artificially inflated by failure to pass the proposed legislation, why worry? "Raise the barge rates," we are told; "everybody else is raising rates." But we have more faith in the legislative process than that. One of the few effective means of reducing costs and withstanding the pressures for increasing prices is through technological innovation. It seems wholly illogical to prevent the application of a proven technological improvement, which is producing more economical service, at a time of rising prices and freight rates.

How do the railroads explain their opposition? In summary, they say they won't call off their lobbyists until the Congress has given them minimum rate deregulation.

The railroad strategy has been to stall a meritorious bill, very small in its impact except within the barge industry, until they can achieve a major and highly complicated shift in Congressional policy. They are saying in effect, don't let's pass on an ordinance against littering the highways, even though everyone is for it, until we have overhauled the entire penal code.

The barge line dilemma is that we couldn't deliver this elephant of a change even if we wanted to do so. Rate deregulation has been around a long time as a legislative proposal and is highly controversial. Forces far beyond the control of the water carrier industry are involved.

Let's stand back and try to see what would help the railroads accomplish their objective. It seems to us that the railroads have to face up to a major public policy issue involved in deregulation of rates. This is simply the problem of preserving healthy competition in an industry in which the economic power of different competitors varies so greatly.

In industry generally, the job of preserving healthy competition in the public interest has been given to the Federal Trade Commission and the Federal Courts. Jointly they enforce the anti-trust laws. In transportation, the Interstate Commerce Commission has the job of guarding the public interest. The objectives of controlling predatory discrimination and below cost prices are common to both types of regulation.

The deregulation debate is not over whether there should be a guardian of the public interest. Everyone concedes that there must be. The complicated problem is how the guardian is to work. The current proposal is to have transportation partially regulated under the anti-trust laws and, at the same time, continue partly regulated under the Commission. Many people of good will genuinely doubt how practical and effective it would be to have the jurisdiction so divided. There is general agreement however on one thing; we would all have to have two sets of lawyers, an anti-trust set, and an ICC set. Whatever else it may be, the deregulation idea, if adopted, would be a boon to the legal profession.

The basic economic issue at stake in preserving healthy competition between very large and very small enterprises is simple. Superior economic power is no proper test of comparative economic efficiency. A large enterprise in any line of business can easily assert its superior economic power to destroy a small specialized competitor, by lowering rates below cost. Such reduction do not reflect inherent advantage, but merely the ability of the giant to absorb losses or abnormally low profits for certain segments of traffic. The public interest is defeated when the more efficient, but less powerful, competitor is overwhelmed by such practice.

The railroads never have had a satisfactory answer to this concern. As the merger movement continues, and more and more superrailroads are formed, the need for an effective guardian of the public interest becomes more rather than less acute. The objective of preserving healthy competition without penalizing superior efficiency and improperly protecting inferior efficiency is a substantial public policy issue in any industry. At stake is not merely the survival of efficient competitors, but the benefits to the public which typically accompany healthy competition in any field.

Water carriers are not unalterably against railroad rate deregulation, provided healthy competition is assured and predatory ratemaking is restrained. At a time when heavy capital investments are required for modernization, expansion, and improvement by all modes, they are against destructive rate wars. Indeed, they have been told that some voices within the railroad industry, particularly from small railroads, are being raised against deregulation because of concern over rate wars. I have even been told that it was substantial railroad opposition, operating behind the scenes, that helped kill the last attempt at deregulation.

It is difficult to know how this impasse is to be resolved.

On the one hand, there is a very controversial question involving a major public policy issue of deregulation of bulk traffic by rail, 79% of the total according to the ICC. Powerful forces, far beyond the control of the water carriers, are opposed to it. At the same time powerful forces far beyond the control of the water carriers, are just as adamant that the public interest requires the continuation of the very exemptions of which the railroads complain.

On the other hand, the water carriers have a small but genuinely meritorious measure, universally supported, which has demonstrated its ability to reduce costs for the consumer. The railroads are saying, the public can't continue to enjoy the improvement until their very large and controversial change is argued and adopted.

They may well be able to achieve this change in some modified form, but it cannot be achieved over night. Meanwhile the barge lines face a deadline. On July 1st, they will have to break up their large efficient tows and return to an obsolete technology.

It seems to us possible that, aside from the elephant of a change represented by deregulation, the railroads may well have need for modernizing legislation to take account of technological improvements similar to those achieved by the barge lines. If they have such equivalents, the water carriers would be delighted to help them obtain them.

The pressure for a resolution of this impasse should come from a renewed interest on the part of industry and agriculture. Those consumers who are benefiting from the new technology, and who testified so strongly in favor of it last year, must make clear that they don't want to see artificially inflated cost increases imposed on water carriers, or, for that matter, on any other carrier. The game of holding up a needed improvement until all problems are solved simply stalls all progress.

For railroads, and truck lines, no less than water carriers, there should be a green light for legislative proposals which permit the application of improved technology, which encourage the most efficient use of the nation's transportation resources and which preserve and promote healthy competition.

HELPING THE BLACK COMMUNITY

Mr. CASE. Mr. President, a few days ago the Newark Evening News published a column entitled "Cocoa Background," written by Joseph White.

Mr. White outlines his response to that oft-asked question: "What can I do to help the black community?"

His suggestions are eminently sensible and well within the power of any individual who wishes to help to carry out. Because I believe they will have wide appeal, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

COCOA BACKGROUND

(By Joseph White)

A question frequently asked by white people is: "What can I do to help the black community?"

Suburban missionaries of goodwill, though well-intentioned, misplace their energies looking for a contribution to make in the ghetto when the greatest challenge lies at their own doorsteps.

A few months ago, I was invited to participate in one of a series of weekly meetings between a group of black people and some white residents from a nearby town who wished to "do something to help the City of Newark."

The town that they are from is notorious for its prejudices. But over the years, I have heard a number of black people express a desire to live there.

Yet, my latest information is that only two black families have been able to crash through the racial barriers to buying a home there. Also, there is evidence that black motorists, in particular, passing through this town are harassed and given traffic summonses if they exceed by two miles the 25 mile speed limit.

At the meeting I attended, many grandiose plans were advanced, none of which, I have since learned, ever reached fruition. This night, the consensus of the group was to begin clearing ground for a children's play area and to raise funds for recreational equipment. There is no question that this facility is badly needed in the area designated, but the fact remains that the groundwork for progress should begin in their own town. For example, they could:

Become emissaries of racial tolerance. This does not mean that they should assume the role of soap-box orators on the subject of human rights. It does mean, however, that they should challenge injustice whenever and wherever it raises its ugly head. If one does not wish to adopt this philosophy in the name of racial peace, then, for God's sake, adopt it for the purpose of saving America.

Pave the way for open housing. The federal government has said that a black family or black families may move into your block. If and when it happens, accept it as the law of the land and advise your neighbors to do so.

Promote the idea of school integration. Recognize the need for black children to receive quality education and support any school board plan which proposes to bring this about.

Inform children of the existence and the humanity of black people. The basis of racial chauvinism is the lack of education and exposure. Tell your children they do not live in this world alone and that America is a melting pot in which no ethnic group is superior to another.

Denounce conversational racism. A national attitude of intolerance begins with dialogues in little pockets of the community. By speaking out against the exponents of racial hatred, you become a dynamic force in guiding America into the direction it should be taking at this time in our history.

Crusade through the mail. Write letters opposing local and national incidents where a black person is being subjected to intolerance, injustice and inequities.

The possible loss of community social stature can be sidestepped if one limits such advocacy to the small circle of his own friends and urges them to do likewise, the theory being that one can speak freely among his friends without fear of reprisal. If everybody who wants to help would start tomorrow at 9 a.m., we would all be surprised at how soon the whole nation would get the message.

THE CHANGING JOB MARKET IN THE CENTRAL CITY

Mr. PROXMIRE. Mr. President, on May 1, the New York Times published an excellent article by Richard E. Mooney concerning the employment situation in New York City. I believe the trends reflected in New York City are broadly similar to the employment situation throughout the country.

These trends are characterized by a rising imbalance between the demand for semiskilled and unskilled labor and the supply of such labor. In general terms, manufacturing and industrial employment is moving out to the suburbs. At the same time, employment in the central city is gradually changing in character. Unskilled jobs are declining; highly skilled jobs in the professional, technical, and managerial area are increasing. Not many people in the ghetto are able to qualify in the changing job market in the central city. Because of the imbalance between jobs and people, unemployment has substantially increased in urban ghettos. At the same time, underemployment and the welfare payments have been on the rise.

One of the most effective actions we can take to reduce tension in our central cities and to increase employment and production would be to disperse the ghetto by encouraging low-income housing in surrounding areas so that low-income residents can move into areas where employment opportunities exist.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CONFERENCE DISCUSSES NEED FOR MORE JOBS FOR UNSKILLED WORKERS HERE

(By Richard E. Mooney)

New York City was challenged yesterday to provide more jobs for its expanding mass of unskilled workers.

At a day-long conference on the city's economy, the recurrent theme was jobs. A businessman called for better basic training in the school system. A school official said employers must "baby" the unskilled to make them regular jobholders. A labor leader urged a Depression-style public-works program.

The conference, sponsored by the New York City Council on Economic Education, was attended by almost 100 businessmen and representatives of labor, social work, the professions and government. It was held at the Carnegie International Center, adjacent to the United Nations.

Herbert Bienstock, regional director of the United States Bureau of Labor Statistics, reported "significant strengthening" in New York's job growth in the last two years. But he said this improvement was not in the business sectors or in neighborhoods where this growth could readily absorb the unskilled.

WHITE-COLLAR JOBS LEAD

"Unemployment rates are increasingly a poor measure of socioeconomic status," Mr. Bienstock said, pointing out that the city's welfare rolls have soared while its unemployment has been dropping. But unemployment is still high among nonwhites—Negroes and Puerto Ricans—and large numbers of the nonwhites who are employed have only part-time work and relatively low pay, he said.

Four of every five new jobs here are white-collar jobs, he said. The national pattern is half white-collar and half blue-collar—where the unskilled predominate.

Mr. Bienstock noted that the big employers—factories—tended to establish themselves outside the city "at a considerable distance from the residence of those workers

with a very high incidence of unemployment and poverty."

In contrast, despite all the publicity about companies moving their headquarters out of the city, he reported a five-year increase in headquarters office jobs here.

Gilbert W. Fitzhugh, chairman of the Metropolitan Life Insurance Company, noted that employment here had risen only 3 per cent in the last decade. Compared with 25 per cent in the country at large. He said, "The fact must be faced that New York has not kept pace with the general expansion."

SCHOOLS CRITICIZED

"If we are to continue New York as a thriving community," he said, "business must accept a large part of the responsibility for basic education and training, particularly for minority groups." But, he added, "the city could properly expect more help from educators than it has been getting."

On this point, Nathan Brown, Executive Deputy Superintendent of Schools, replied that it was "useless to say that the city's youth is insufficiently trained." It is a fact of life, he asserted.

"If we are really going to meet the needs of the cities," he added, "the untrained are going to have to be 'babied' into regular employment."

Morris Iushewitz, secretary of the Central Labor Council of New York, dissented. "The piecemeal efforts that are being made will get nowhere" in reducing under-employment, he said, "and they may even aggravate the situation." What is lacking, he said, is a public-works program of the sort that was "most effective" in the nineteen-thirties.

LAND SHORTAGE DISCUSSED

Two business representatives and a city official focused on the use of the available land in the city as a major element of the job problem and the economic problem in general.

Paul J. Busse, executive director of the Economic Development Council, said that the primary reason for the city's loss of factory jobs has been "the sheer lack of land available for industrial expansion." Urban renewal projects now being prepared would take 30 million square feet of land that is now zoned for commerce and industry, he said.

G. G. Tegnell, executive vice president of the New York Chamber of Commerce, said that the city "must take a much more aggressive attitude to be a more hospitable place for mass production enterprises."

Richard Buford, executive director of the City Planning Commission, said that there were "dozens of examples" of small businesses being obliterated to make way for "good middle-income housing."

"Not until recently did we realize that this was destroying the fabric of the city," he said. He reported that the city was looking for ways in which housing and industry can "live together"—for example, apartments and offices, and even factories sharing the same building.

NOMINATION OF WILBUR J. COHEN TO BE SECRETARY OF HEALTH, EDUCATION, AND WELFARE

Mr. RIBICOFF. Mr. President, the Committee on Finance unanimously voted today to report favorably the nomination of Wilbur J. Cohen as Secretary of Health, Education, and Welfare.

Mr. Cohen appeared before the committee and answered satisfactorily all the questions which members of the committee directed to him.

Mr. Cohen has worked with the Committee on Finance in one capacity or another for nearly 34 years. He is well known to all the members of the committee as he is to many other Senators with whom he has worked over a long period of time. He is known as a man of ability and integrity. He is a man of reason and cooperation. He is widely respected for his intellectual and administrative abilities.

Wilbur Cohen was appointed Assistant Secretary of Health, Education, and Welfare in January 1961 by President John F. Kennedy. I worked closely with Mr. Cohen when I was Secretary of Health, Education, and Welfare. I can vouch for his ability—he is an intellectual sparkplug.

I can vouch that he is a man of integrity. He is fair and reasonable. He comes to each policy issue with a keen insight and an unusual capacity to evaluate the pros and cons of any complex controversial issue.

Cohen's performance helped establish the Assistant Secretary as one of the most able administrators in Washington. The Medical World News said:

> Those who have worked with Cohen regard him as one of the most coolly efficient, pragmatic and persistent innovators Washington has ever seen. They view him as a man committed to social justice, one who knows his way through the Capital's jungle of politics and bureaucracy. And they have an abiding respect for the breadth and precision of this technical and sociological experience.

In recognition of his outstanding performance as Assistant Secretary, President Johnson appointed Mr. Cohen Under Secretary to the Department on June 1, 1965. Serving under John W. Gardner, Cohen was responsible for coordinating major policy issues between the legislative and executive branches of Government.

Mr. Cohen deserves and has earned the confirmation of his nomination by the Senate.

Mr. Cohen has worked with six Secretaries of Health, Education, and Welfare. He worked for three Republican Secretaries—Mrs. Hobby, Mr. Folsom, and Mr. Flemming. He worked for the last three Democratic Secretaries. All have commended him for his able, conscientious, and faithful service.

I ask unanimous consent to have printed in the RECORD the statement by the senior Senator from Michigan supporting Mr. Cohen's nomination. Senator HART has known Mr. Cohen for 10 years from the time Mr. Cohen was a professor at the University of Michigan.

I also ask unanimous consent to include in the RECORD the statement I made on March 27 when Mr. Cohen's designation was announced.

Mr. President, some State medical societies have opposed Mr. Cohen's nomination. It is understandable that they take this mistaken position because they do not know—as Senators here know—how hard Mr. Cohen has worked to preserve the free practice of medicine in the United States.

I say unhesitatingly that Mr. Cohen has done more to stave off socialized medicine than any man in America. Many distinguished physicians know and understand this. The Arizona Medical Society has recently voted in favor of Mr. Cohen's designation. I ask unanimous consent that their action be included in the RECORD.

I also include two commendations from officials of the American Medical Association: Dr. David B. Allman, past president of the American Medical Association, and Dr. Samuel R. Sherman, vice chairman of the American Medical Association Council on Legislative Activities.

Also included is support from Dr. John Parks, president of the Association of American Medical Colleges and a letter from Dr. Amos N. Johnson, past president of the American Association of General Practice.

Mr. Cohen's outstanding competence has been recognized by the many awards that he has received. Among these are the following: Rockefeller Public Service Award, 1967; Bronfman Public Health Prize, American Public Health Association, 1967; Murray-Green Award, AFL–CIO, 1968; Distinguished Service Award, Department of Health, Education, and Welfare, 1956; Florina Lasker Award, 1961; Award of the Association Physical Medicine, 1965; Terry Memorial Merit Award, American Public Welfare Association, 1961; and Distinguished Service Award, Group Health Association, 1956.

In 1961, Mr. Cohen received the coveted Bronfman Prize for Public Health Achievement which is awarded by the American Public Health Association. This group is made up of the most distinguished men and women in medical and public health activities in the United States. The award to Mr. Cohen outlined his distinguished service. I ask unanimous consent that his citation for the Bronfman Prize be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

NOMINATION OF WILBUR J. COHEN TO BE SECRETARY OF HEALTH, EDUCATION, AND WELFARE

Mr. HART. Mr. President, the Washington Post, in an editorial noting the nomination of Wilbur J. Cohen as Secretary of Health, Education, and Welfare, predicted that the nomination would be widely applauded.

I would like to contribute just a little toward the fulfillment of that prophecy. Wilbur Cohen, a friend and a constituent, is a compassionate intellectual with remarkable administrative talent—a rare and valuable combination.

Mr. Cohen—happily for the Nation, I think—has been active in the shaping of domestic programs for a great many years. He tackles problems with energy and intelligence.

But in this city energy and intelligence alone are not enough to deliver great distinction. The ingredient that Wilbur Cohen adds is joyous enthusiasm. I have never known a man on whose spirit middle age has left fewer scars.

He will, I am sure, embark on his new duties with the same zest that has always characterized his career. A great many of us lament the resignation of John Gardner, a man of fine intellect and ability.

But few men are better qualified to succeed him than Wilbur Cohen.

The Washington Star, in its edition of March 26, stated:

"In our opinion, the department will be in good hands."

I agree and believe I reflect the feeling of all Senators.

WILBUR J. COHEN

Mr. RIBICOFF. Mr. President, the designation of William J. Cohen as Secretary of Health, Education, and Welfare, by Presi-

dent Johnson is an excellent appointment. He highly deserves the Cabinet post for which he was selected. He brings outstanding talent, experience, and energy to his new position.

I have known and worked with Wilbur Cohen for over 7 years. In fact, President Kennedy and I drafted him in 1961 to be Assistant Secretary for Legislation when I was named Secretary of that Department. He was a professor at the University of Michigan campus where he had been teaching since 1956.

He was no newcomer to Government, having begun his career as a young man as research assistant to the Executive Director of President Roosevelt's Cabinet Committee on Economic Security. That committee drafted the original Social Security Act in 1934–35. Over the next 20 years he was closely associated with the development of every major piece of social security and welfare legislation which was enacted.

Former Senator Paul Douglas once said:

"A Social Security expert is a man with Wilbur Cohen's telephone number."

But Wilbur's active mind and creative abilities could not be confined just to social security. As Assistant Secretary for Legislation, he became involved in the broad range of the Department of Health, Education, and Welfare legislative activities. No longer limited to social security and welfare, he turned his innovative talents and boundless energy to the problems of education, poverty, mental health, water and air pollution, health manpower, child health and rehabilitation.

It was Cohen's brilliant idea to channel Federal aid into low-income school districts that helped to break the 95-year deadlock over Federal aid to education and resulted in the Elementary and Secondary Education Act of 1965.

While he is well known as an architect of medicare, and deservedly so, many are not familiar with the leading role he has played in the development of important legislation in the field of mental health and mental retardation, such as the establishment of the National Institute of Child Health and Human Development, in 1962; the Maternal and Child Health and Mental Retardation Planning Amendments of 1963, the Mental Retardation Facilities, and the Community Mental Health Centers Construction Act of 1963.

After skillfully guiding the far-reaching social legislation of 1965 through Congress, President Johnson elevated him to the post of Under Secretary. While assuming new administrative duties which involved the implementation of the vast new programs established in 1965, he continued to play, an influential role in the development of new legislation.

He worked day and night on the Social Security Amendments of 1967. And he helped to break the impasse on the amendments to the Elementary and Secondary Education Act last year. He helped to develop the Child Health Act of 1967 and guided it successfully through Congress to its enactment.

He has served the Nation in many capacities—as a legislative expert, an economist, an administrator, an intellectual, a teacher, and as an adviser to Senators and Presidents, Representatives, and Governors. He is, as Theodore White described, an "action intellectual."

Born in Milwaukee, Wis., in 1913, Mr. Cohen married Eloise Bittel, of Ingram, Tex., in 1938. They have three sons.

He graduated from the University of Wisconsin with a degree in economics in 1934 and received the honorary degree of doctor of laws from his alma mater in 1966. He also holds honorary degrees from Adelphi and Yeshiva Universities. He is a fellow of Brandeis University.

He is the author of several books and many articles on social security, health, welfare, and education and is the recipient of a number of awards for distinguished service in health, education, and welfare. He is currently a member of the Presidential Commission on Income Maintenance Programs.

He is a modest man, a gentle man, and a kind man. He is probably one of the most highly respected and well-liked men in Washington, one who in spite of all his years in the political arena has managed to keep his idealism and youthfulness. He has that old-fashioned strength of character. No task is too great for him to tackle, nor is he ever too busy or too far removed to give a friend or an employee a warm greeting and a friendly word of encouragement.

The New York Times called him a trailblazer in welfare. I ask unanimous consent that the editorial published in the Times on March 24, 1968, be printed in the RECORD. Mr. Cohen's trailblazing abilities are evident and will continue to be evident in the field of health and education as well.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

"TRAILBLAZER IN WELFARE

"The new Secretary of Health, Education and Welfare is an astonishing bundle of scholarship, dynamism, legislative knowhow and creativity. Wilbur J. Cohen, President Johnson's choice to succeed John W. Gardner, was a drafter of the Social Security Act more than thirty years ago. Yet he remains one of the most exuberant and innovative of all the army of career officials in Washington.

"He is ideally equipped to carry forward the consolidation of the disjointed department, a task well begun by Mr. Gardner. Equally important, Mr. Cohen brings inexhaustible knowledge, coupled with freshness of vision and originality of mind, to the quest for roads out of the quagmire that now engulfs the public relief system."

Mr. RIBICOFF. Mr. President, I ask unanimous consent that editorials about Mr. Cohen's appointment, published in the Washington Post of March 24, 1968, the Washington Evening Star of March 26, and the Baltimore Sun of March 26 be printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

"HEALTH, EDUCATION, AND WELFARE SECRETARY

"Nomination of Wilbur J. Cohen as Secretary of the Department of Health, Education and Welfare places in one of the most important Cabinet posts a man qualified by expert knowledge in the field, by skill as a legislative adviser and by proficiency as an administrator.

"He was among the recruits of Government gathered in by President Kennedy's remarkable talent hunt in 1961—a part of that class of distinguished governmental servants which included Robert McNamara, Dean Rusk, Willard Wirtz, Walt W. Rostow, McGeorge Bundy. Unlike some of the "recruits," of course, he had a long record of Government service before his years at the University of Michigan where the Kennedy Administration found him.

"The British government with its career civil servants staffing the departments below the top level of its politicians heading them may have a happier solution to the problem of combining careerism and politics in administration.

"There is no doubt that a government the Cabinet level of which was recruited wholly from subordinate ranks would suffer an internal sclerosis eventually. The infusion, at the top, of outside talents, amateur enthusiasm and political skill helps keep our mammoth bureaucracy from succumbing to inbreeding.

"In the case of the Department of Health, Education and Welfare, however, we have an institution where experience and training and professional knowledge are at a premium. In Wilbur Cohen, the President has an administrator as well endowed with these qualifications as any in the country. His long and close relations with Congress, in drafting most of the social legislation of our time, has given him some of the political feel that many other careerists might lack.

"The nomination, for all these reasons, will be widely applauded wherever the problems of the Department are understood and appreciated."

"THE OLD PRO

"The nomination of the veteran HEW careerist, Wilbur J. Cohen, to become the new Secretary of Health, Education and Welfare constitutes the first sharp break in a presidential pattern of recruiting big-name outsiders to head this vast, sprawling department. There are several sound reasons, moreover, which might explain President Johnson's decision, beyond the considerable competence of the nominee himself.

"On the latter point, Cohen is widely regarded as the nation's preeminent technical expert on social legislation. He had a hand in drafting the original Social Security Act of 1935, and a very large role in the drive for enactment of the Medicare program three decades later. There are not many current programs in the fields of welfare, education and health, with a particular emphasis on welfare, which do not bear his imprint to some degree.

"The sudden departure of John W. Gardner from HEW has had a shattering impact on that department, as the exodus of many officials in recent weeks has made all to plain. On this score, too, the appointment of Gardner's former deputy makes sense. The two men had a mutual respect for one another, and Gardner's programs of reorganization and reform of HEW reportedly reflected a lot of Cohen's own thinking. While one can never be certain about such things, it is logical to assume that the new secretary will continue to move in many of the directions already charted. This should help quiet, to a degree at least, the unrest.

"In Congress, Cohen is respected as a pragmatist even among those who differ with his social views. Within the department, he has long been the top official best known to the most people, and perhaps the most respected, in HEW offices around the country as well as in Washington. This is a special strength just now, in view of the administration's push to improve federal-state local relationships in social programs.

"Beyond these things, we suspect that the President welcomed the prospect of avoiding the sort of day-to-day surveillance of HEW which would have been required if an inexperienced man were at the helm. In our opinion, the department will be in good hands."

"[From the Baltimore Sun, Mar. 26, 1968]

"SECRETARY COHEN

"President Johnson likes to keep it in the family, so to speak. Many of his appointments to high political and governmental posts are familiar New Deal-Fair Deal-New Frontier veterans. Maybe too many. Fresh ideas and perspectives are more likely to be found in outsiders, and who can deny the need for fresh ideas in Washington today?

"With or without this presidential reliance on the familiar, Wilbur J. Cohen, just promoted from Under Secretary to Secretary of Health, Education and Welfare, is a happy choice. He has been creatively involved with the Federal Government's efforts in health and social welfare since 1934. Except for four years he was a full-time Federal employee in Washington. Among other things, he is considered the 'chief of staff' in the effort to pass Medicare legislation. Last year he won a prestigious Rockefeller Public Service Award, which was richly deserved, as is his new appointment."

THE ARIZONA MEDICAL ASSOCIATION, INC.,
Scottsdale, Ariz., April 30, 1968.

Hon. WILBUR J. COHEN,
Secretary of Health, Education and Welfare, Washington, D.C.

MY DEAR SECRETARY COHEN: The House of Delegates of the Arizona Medical Association, Inc. in meeting held in Scottsdale, Arizona, April 27, 1968, received Resolution No. 14 introduced by its component Maricopa County Medical Society congratulating you on your appointment as Secretary to the Department of Health, Education and Welfare pledging to you its support and cooperation in obtaining better health for the people of the United States. We thought you might like a copy of the Resolution which is enclosed.

You will also find enclosed a copy of article appearing in the local Phoenix Gazette, April 28, 1968 referable to our action.

Cordially,

JOHN P. HEILEMAN, M.D.,
Secretary.

RESOLUTION NO. 14

Resolution by House of Delegates, Arizona Medical Association, Inc., April 27, 1968

Introduced by: Maricopa County Medical Society Delegation.

Subject: Wilbur J. Cohen, appointment as Secretary of the Department of Health, Education, and Welfare.

Resolved, that the Arizona State Medical Association congratulate The Honorable Wilbur J. Cohen on his appointment as Secretary of the Department of Health, Education and Welfare, and pledge to him its support and cooperation in obtaining better health for the people of the United States.

Adopted, April 27, 1968.

[From the Phoenix Gazette, Apr. 28, 1968]

ARIZONA DOCTORS SUPPORT COHEN

SCOTTSDALE.—The Arizona Medical Associatiion's house of delegates today took a stand directly opposed to its California counterpart, by pledging support to Wilbur J. Cohen, nominated by President Johnson to be secretary of health, education and welfare.

The California Medical Association has asked the Senate to withhold confirmation of Cohen.

Today's action by the Arizona group in the final day of its annual meeting in the Safari Hotel, extended congratulations to Cohen and promised support "in obtaining better health for the people of the United States."

Dr. Richard O. Flynn, Tempe, was named president-elect of the physician's organization. Others elected were Dr. Fred H. Landeen, Tucson, vice president; Dr. John P. Heileman, Phoenix, secretary, and Dr. Philip E. Dew, Tucson, treasurer.

AMERICAN MEDICAL ASSOCIATION,
Brigantine, N.J., March 23, 1968.

Hon. WILBUR J. COHEN,
Secretary of Health, Education, and Welfare, Washington, D.C.

MY DEAR MR. SECRETARY: The President of the United States is to be most sincerely congratulated upon his most excellent choice in naming you as Secretary of the Department of Health, Education, and Welfare.

My sincere best wishes for a long, happy and successful administration.

Very truly,

DAVID B. ALLMAN, M.D.

APRIL 11, 1968.

Hon. RUSSELL B. LONG,
Chairman, Finance Committee,
U.S. Senate:

The Honorable Wilbur J. Cohen's interest in the advancement of medical education and his ability to develop and administer health legislation, as well as his extensive experience in higher education and social welfare, make him highly qualified to serve as Secretary of Health, Education, and Welfare. As one of many deans deeply interested in health education and services, it is a real pleasure to recommend that the appointment of Wilbur J. Cohen be approved by the Senate of the United States.

JOHN PARKS, M.D.,
Dean, G.W.U. Medical Center; President, Association of American Medical Colleges.

AMERICAN MEDICAL ASSOCIATION,
Chicago, Ill., March 25, 1968.

Hon. WILBUR COHEN,
Secretary of Health, Education, and Welfare, Washington, D.C.

DEAR WILBUR: I was most pleased to hear of your appointment as Secretary of Health, Education, and Welfare. You deserve this, you have earned this, and you undoubtedly will serve with great distinction in this position.

The cordial and meaningful relationship which has developed between you and your staff and our Legislative Council in the past three years shall be enhanced by your new position and shall serve for the advancement of augmented future relationships.

I am personally proud to know you and to have worked with you, and wish you the greatest success in your new position.

Cordially,

SAMUEL R. SHERMAN, M.D.

GARLAND, N.C.,
March 23, 1968.

Hon. WILBUR J. COHEN,
Secretary of Health, Education, and Welfare, Washington, D.C.

DEAR MR. SECRETARY: I want you to know how pleased I was when I learned yesterday of your appointment as Secretary of Health, Education, and Welfare. As you know, I am aware that you have done much of the thinking and work in this area for years. So it is fitting and proper that you should advance to the position of Secretary.

Before I leave today for two weeks in South America, I am communicating with my several friends in the Senate and House who made recommendations to the President in support of your appointment asking that they strongly support your approval as Secretary of Health, Education, and Welfare by the Congress.

Soon after I return from this trip I will be writing to you regarding some opinions which I have relative to upgrading the health care services for our American people.

Again, congratulations and best wishes for a successful term of office.

Kindest personal regards.

Sincerely yours,

AMOS N. JOHNSON, M.D.

WILBUR J. COHEN, UNDER SECRETARY OF HEALTH, EDUCATION, AND WELFARE, WASHINGTON, D.C.

Wilbur J. Cohen is among the select company of truly great thinkers and innovators of our time. An economist, teacher, administrator, and government official, he has had a greater influence on this nation's current efforts in the broad field of human well-being than almost any other single individual.

He is widely known as the father of the Medicare program. His thinking helped to shape it; his skill and knowledge of the legislative process helped to get it enacted. He is the nation's outstanding authority on the social security system, a system he helped to create 30 years ago. Much of his enormous energy and talent has been devoted over the years to broadening and improving the system, and to making it more responsive to the needs of the American people.

Since 1961, he has served in the highest councils of the federal government. As Assistant Secretary for Legislation in the Department of Health, Education, and Welfare, he was the architect of much of the landmark social legislation of this decade—in child health and welfare, in mental health and mental retardation, in education, in rehabilitation, and in community health services. He has been instrumental in the development and training of professional manpower to carry out these programs. And he has consistently worked to strengthen the research base on which our progress rests.

He was one of the first to foresee this nation's capacity to eliminate poverty, and championed a course of action which has since become public policy.

In 1965, President Johnson named him Under Secretary of Health, Education, and Welfare. From this vantage point, he has promoted a concept which he has held throughout his career—the synthesis of all programs dealing with human well-being. In his view, health, income maintenance, education, and social services are inextricably linked. He has pressed for social progress on a broad front and in a coordinated manner.

Mr. Cohen is a man of exceptional ability and varied interests. All of these interests converge on the well-being of the individual human being. Public health—and all of society—will be forever in his debt.

SUPPORT FOR PRESIDENT JOHNSON'S TAX PROPOSAL

Mr. INOUYE. Mr. President, today, President Johnson asked Congress to "bite the bullet" and pass a tax increase for the good of the country.

I support him wholeheartedly.

The President is absolutely right in challenging Congress to stand up and be counted on this vital matter that concerns the welfare and security of the American people.

As the President reminded us, the country can absorb some reduction in expenditures without seriously endangering important domestic programs. But we cannot act irresponsibly and demand that the administration wreck progress by adhering to irresponsible attempts to wipe out the programs our people need and want to have.

We have pressing needs and problems. And we cannot abandon them in the name of fiscal prudence. For this administration has demonstrated its determination and good faith in holding the line on unnecessary spending.

The American people do not want to hear excuses from Congress. They demand prompt and responsible action on the tax bill.

At stake in this matter is the continued health and vitality of the American economy. We cannot ignore our responsibilities in this matter. Nor can we fall back upon political expendiency in an election year to avoid doing what is necessary and right.

I urge Senators to support President Johnson and give him the bill he has been requesting for nearly 3 years.

SOCIAL RESPONSIBILITIES OF AMERICAN BUSINESS

Mr. MAGNUSON. Mr. President, the University of Washington's School of Business Administration celebrated its 50th anniversary in 1967. At the 50th anniversary luncheon held on November 10, Mr. W. J. Pennington, who is president of the Seattle Times, and has served on the visiting committee for the School of Business Administration of the Uni-

versity of Washington, delivered a timely and eloquent address.

The central theme of Mr. Pennington's address is the social responsibilities of American business. He notes that business has found its own best interests are served when it serves the public interest. Moreover, recent evidence seems to indicate that in certain instances industry may even be placing the public interest on a level above its self-interest.

Corporations are becoming more and more directly involved with slum clearance projects, protection from air and water pollution, civil rights, job training for the unskilled, the prevention of crime, as well as with higher education and the arts. The increasing participation of industry in the task of resolving these pressing social problems is manifested in the improvement in the quality of life in our society. These improvements and further advancements did not and will not come overnight, but will be the result of steady and determined efforts supported by American industry.

Mr. President, the winter 1968 edition of the University of Washington Business Review has reprinted the text of Mr. Pennington's address to the 50th anniversary luncheon of the University of Washington's School of Business Administration, and I believe his thoughts deserve the close attention of Members of both Houses of Congress. Therefore, I ask unanimous consent to have the address printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

BUSINESS RESPONSE TO SOCIAL CHANGE

(By W. J. Pennington)

First, let me congratulate the School of Business Administration on its fiftieth anniversary. The School can take pride in the fact that it has made and is making very important contributions to our business community by being responsive to the increasing challenges of a dynamic business society. I should also like to say that I have found my experiences the past five years on the Visiting Committee of the School to be both interesting and stimulating. Certainly, the quality of business education today is much superior to when I was in the School 26 years ago.

In recent years, increasing attention has been paid to the social responsibilities of business. In the conduct of its affairs, no business and no executive would admit to being socially irresponsible. Yet vigorous, and occasionally acrimonious, debate ensues on the subject of corporate social responsibilities. For example, support of higher education is currently hailed as an ideal instance of social responsibility. But some companies avoid it as if it were the black plague. They insist that a firm best serves the public interest when it best serves its own private interests or achieves effective service to consumers, adequate profits to stockholders, fair working conditions for employees, and a scrupulous observance of the law.

On the other hand, one finds evidence of a willingness to support not only higher education and the arts, but slum clearance projects, protection from air and water pollution, civil rights, job training for the unskilled, and the prevention of crime. In most cases the justification is enlightened self-interest.

There is growing evidence, however, that modern business is consciously placing public interest on a level with self-interest, and possibly above it. This development is explained by the fact that a business is really as much a social and political entity as an economic unit. Today I would like to discuss certain of the more pressing social problems of our time and the role and responsibility of our business community in dealing with these problems.

EMPLOYMENT OF MINORITY RACES

Three years ago, I had the privilege of serving as President of the Seattle Chamber of Commerce. During that year, we asked our Chamber members to sign Equal Employment Opportunity pledges and we established the Employment Opportunities Center and the Job Fair. I recall that a few of our members were reticent at that time about signing Equal Employment Opportunity pledges on the basis that many members of minority races simply were not properly qualified or that their existing employees would object to working with Negroes.

A rapidly changing concept of business responsibility is motivating our businessmen to be more receptive to hiring underqualified workers for "on-the-job" training programs. While "on-the-job" training programs may entail additional expense, they are less costly than the consequences of a riot. These programs can also be measured in terms of precise costs, while the costs of possible future riots are unknown.

It is noteworthy that in early October of this year, government and business in this area joined hands in a massive, long-range program called "Jobs Now" to provide jobs for the disadvantaged—primarily Negroes living in the central area. Perhaps only one out of four of these employment efforts will ultimately result in a stable, sufficiently qualified employee. If the program is only 25 percent successful, a significant number of people who are now part of the hard core unemployables could become gainfully occupied.

Recently, I read "Violence in the City—An End or A Beginning?", a report by the Governor's Commission on the Los Angeles riots. I also had the interesting experience of talking to John A. McCone, Chairman of the Governor's Commission, concerning certain of their findings and recommendations.

The McCone report states:

"No longer can the leaders of business discharge their responsibility by merely approving a broadly worded executive order establishing a policy of nondiscrimination and equality of opportunity as a basic directive to their managers and personnel departments. They must insist that these policies are carried out. They must authorize the necessary facilities for employment and training properly designed to encourage the employment of Negroes rather than follow a course which all too often appears to place almost insurmountable hurdles in the path of a Negro seeking a job."

The McCone report further states that the three fundamental issues in the urban problems of disadvantaged minorities are: employment, education, and police-community relations. Mr. McCone and his associates have made a very intelligent and important contribution to the body of knowledge which exists on the causes of race riots.

A few weeks ago, I heard W. P. Gullander, President of the National Association of Manufacturers and former Seattle resident, make an interesting proposal. He feels we should turn to private enterprise for leadership in training unskilled workers for jobs. He feels that if business is given a profit motive or a tax incentive, it will result in the most economic and efficient solution of this difficult training program. Governor Evans and the U.S. Secretary of Labor, W. Willard Wirtz, have made similar proposals. Wirtz recently stated that "Overnight, the responsibility for hiring the hard-core unemployed has shifted from government to private industry."

COMBATING CRIME

Crime rose 17 percent in the first six months of 1967! The prevention of crime should be the concern of all good citizens. As a former law enforcement officer and as a businessman, I have some very strong feelings as to the need to develop programs in our community to emphasize the importance of respect for law and order and to restore the dignity of the law enforcement profession. Maintenance of law and order is a prerequisite to the enjoyment of freedom in our society. Law enforcement is a critical responsibility of government, and effective enforcement requires mutual respect and understanding between a law enforcement agency and the residents of the community which it serves.

I think we are frequently overly concerned with the rights of criminals, or perhaps suspected criminals, and not enough concerned with the rights, safety and welfare of the average peaceful citizen. We should all appreciate the fact that it is still relatively safe for us to be on the streets of Seattle at night. This is not true in many of our metropolitan cities today. To preserve this situation in Seattle in the face of ever increasing crime rates, we must be motivated to develop crime prevention programs.

We frequently hear about the desirability of police review boards to review the actions of our police departments. I was pleased to see last year that the recently established police review board in New York was voted out by the citizens of New York. The *Seattle Times,* in a December 15, 1966, editorial, stated that establishment of a police review board would be a deterrent to effective law enforcement. This is still our opinion. Most progressive police departments, such as the one we have in Seattle, have constantly upgraded their skills and efficiencies and, certainly, there is no need for a separate agency to review their actions. There now exist all the safeguards in our city government which are necessary to protect the rights of citizens.

As a matter of fact, with the recent limitations imposed by Supreme Court decisions in the areas of search and seizure, authority to arrest, and interrogation, it is becoming increasingly difficult for the police officer to discharge his responsibilities properly and to protect innocent citizens from the criminal element.

I think we should all be greatly concerned about acts of civil disobedience—some well meaning but misguided Americans not only support the doctrine of lawbreaking for a worthy end but also oppose penalties for violators. To carry out this philosophy to a logical conclusion would result in anarchy.

No fair-minded person minimizes the right of dissent and of petition for redress of grievances. These are essential rights of a free people. On the other hand, rioting, looting, burning, and killing are deliberate crimes spawned under the banner of civil disobedience.

One of our major duties, individually and collectively, is to obey these laws. Those who obey only the laws they choose and violate the ones they dislike are undermining the concepts of a democracy.

On August 30, I heard Mr. Earl F. Morris, the current president of the American Bar Association, speak before our Seattle Rotary Club. He was genuinely alarmed by the increase in crime. He spoke of "The Challenge of Crime in A Free Society," a February 1967, report issued by the President's Commission on Law Enforcement. He also spoke of the efforts of the American Bar Association relative to implementing the recommendations contained in this report. While there were many interesting facets to this report, he stressed that the prevention of crime is a task for concerned citizens.

We hear much discussion as to whether the printing of crime news is good or bad.

Crime news does keep the crime rate down. The majority of Americans believe there would be more crime in this country if the press printed less about law enforcement and the courts. This opinion was brought out in a recent survey of public attitudes on fair trial and free press made by the Freedom of Information Committee of the Associated Press Managing Editors Association.

A Seattle police officer called me the other day concerning the articles by *The Times* and the *Post-Intelligencer* on the hippies. He stated that these articles have been very helpful in revealing to the public some of the physical dangers involved in taking drugs. He indicated that without this type of revelation, it is difficult for the public to understand the work of the police department. This is another example of public concern with social problems.

In talking with a well informed law enforcement officer the other day, I asked him: "What is the most important contribution the business community can make to arrest the growth of crime in the United States?" He recommended that our long-range efforts be devoted to:

1) seeing that our citizens are properly educated;

2) that they receive job opportunities consistent with their ability and academic background;

3) that suitable living conditions be provided; and

4) that the community stress the importance of all citizens abiding by the law.

A brief word or two about the very real dangers of organized crime. The FBI annual report dated October 24, 1967, has this to say about organized crime:

Nourished by the billions of dollars which reportedly feed its coffers each year, organized crime casts a sinister shadow across the face of our land. Amassing huge personal fortunes from their illicit enterprises, many racketeers of organized crime have surrounded themselves with the trappings of legitimate success and an aura of respectability. With ill-gotten but economically powerful profits, they have shouldered their way into legitimate enterprises. Through bribery of public officials, they have expanded their influence and protected their hidden, sordid operations.

"Entrepreneurs of vice, corruption and rackets prevail among the underworld group known as La Cosa Nostra. Concealed behind a variety of legitimate businesses and positions, leaders of this criminal conspiracy direct a nationwide network which leeches astronomical sums from the public each year through gambling, narcotics, prostitution, extortion, loan-sharking and labor racketeering. Powerful as their financial resources are, however, the strength of La Cosa Nostra and its affiliated underworld empire lies in the ruthless brutality with which they discipline their own members and attempt to cow their opponents and victims."

Fortunately, Seattle has been a relatively "clean city" for the past many years. Let's see that it stays that way!

A recent article in the *Wall Street Journal* indicated that the National Council of Crime and Delinquency, a nonprofit New York group, has formed an "emergency committee" of some 700 business and professional men. Among other things, the group plans to alert businessmen to Mafia infiltration of legitimate enterprises. This committee was formed at the request of Attorney General Ramsey Clark, who notes that a Presidential commission has urged private citizens to muster their influence against crime.

I have recommended to Price Sullivan, the current President of the Seattle Chamber of Commerce, that he host a meeting to which will be invited top law enforcement officers throughout the state, prosecutors, educators, and other individuals and organizations who might be able to contribute to a state-wide discussion on the problem of crime. He has agreed to schedule such a meeting. Hopefully, we might develop a plan of action from such a forum.

OTHER URBAN PROBLEMS

Our rapidly expanding area is confronted with many other serious urban problems, such as transportation, air and water pollution, central city decay, the need for recreational opportunity and open spaces, etc. To meet certain of these problems, Forward Thrust, a volunteer program, was activated to propose a comprehensive, practical plan for public capital improvements which we will need as our population doubles in the next two decades.

The Times feels that the Forward Thrust program generally is desirable and its recommended financing plan, totalling $820 million, is within the community's demonstrated ability to pay, as our economy expands. The solution of these difficult urban problems is expensive. It will be more expensive if we do not launch a balanced attack on a wide front.

Forward Thrust required vision. It started as a committee of 200 dedicated men and women whose common bond was, and is, a serious desire to see orderly growth. These people represent the broadest cross section of community life, and have already contributed more than 30,000 man-hours of service to the analysis of King County's growth problems. We will need this type of imagination in our regional planning for the Pugetopolis of the future.

At the annual meeting of the Seattle Chamber of Commerce in September, Dr. Odegaard very eloquently stressed the importance of new levels of planning and coordination based on imaginative intellectual capital from business, government, and universities to produce a physical and social environment for humane urban living. He made very effectively the point that our business community benefits from the presence of "think" industries which rely on intelligent, demanding employes who insist on good government, a clean environment, recreational and cultural opportunities and good schools, colleges and universities.

I have observed that there is increasing dialogue between professors and business managers of mutual interest to both. The support of the University's Graduate School of Business by our most eminent business leaders suggests the high level of contribution made by University personnel.

SUMMARY

1. Business must respond quickly to social problems and assume a leadership role. In certain instances, the government, through contractual relationships with business, has applied pressures and placed business in a defensive position with respect to employment practices and community action programs. I do feel that our Seattle business community has been reasonably alert to social problems, but we must show even greater leadership.

The United States Chamber of Commerce has urged the nation's businessmen to play a stronger role in solving social problems at the local level rather than increasing their dependence on Washington. The development of employment skills by minority races should receive a high priority.

Suggestions made by the president of the National Association of Manufacturers, Secretary of Labor W. Willard Wirtz, and Governor Evans that a profit motive, or a tax incentive, would bring into play the ingenuity of private enterprise to solve certain urban problems, such as "on-the-job" training and housing, should receive very serious consideration. It has been stated by these spokesmen that many of our social problems can be solved more efficiently and economically through business leadership if proper incentives exist.

2. We must instill in all of our citizens the importance of respect for law and order and restore the dignity of the law enforcement profession. The alarming increase in our crime rate suggests that community programs must be developed to cope with this serious problem. Like civil riots, organized crime can happen here. Organized crime can gain a foothold in a community which is not forever vigilant.

3. Urban problems must be dealt with on a regional basis. Business, government, and education each must play their proper roles in the solution of these very difficult community problems. Solutions are costly, but they will be more costly if they are not dealt with intelligently now.

ILLEGAL FIREARMS

Mr. DODD. Mr. President, an article on page 11 of yesterday's New York Times caught my eye announcing the end of an amnesty period for Britons to turn in their illegal firearms.

In England, it is illegal to possess a firearm without having obtained a license for it, and licenses are not casually come by. This British law applies to all firearms, including rifles and shotguns. Alvin Shuster, the author of this morning's New York Times article, points out that licenses are granted only for antique gun collections, for hunting, or for target shooting at authorized ranges. And of the 8 million people in the London area, only 15,584 have licenses for lethal weapons.

It has never been my intention to go this far with our Federal law, for traditions and conditions are far different in this country, particularly in the Midwest, than they are in England. Nevertheless, when considering stricter Federal firearms controls, it is important for us to be aware of the stricter gun laws which exist in almost every other country and the effect these laws have upon the gun crime rate of those countries.

In 1963, for example, our records reveal that the citizenry of the United States were subjected to 2.7 murders by gunfire for ever 100,000 population. The rate for Great Britain for that same year was only a fraction of that; to be exact, one fifty-fifth the annual rate in this country.

The same situation is true in practically every other civilized country of the world. For Sweden the 1963 figure was 0.11 murders by gunfire per 100,000 or roughtly one twenty-fifth our annual rate. The rate for the Netherlands in that year was one-nintieth the rate in this country, the rate for Japan one sixty-fifth the American rate—and so it goes all over the rest of the world.

There is a very simple reason for this dramatic difference. The other nations to which I have referred have stringent laws governing the use and ownership of firearms, while our own laws in this area are so weak as to be meaningless.

Mr. Shuster reports from London this morning:

The British have never understood the wide-spread attachment of Americans for guns.

Is it not about time that we enacted some sensible firearms controls in this country—controls which at least make it easier for our States to enforce their

own laws, and more difficult for criminals and juvenile delinquents and drug addicts and other socially irresponsible elements to get their hands on guns?

Mr. President, I ask unanimous consent that the complete text of Alvin Shuster's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BRITONS TURN IN ILLEGAL WEAPONS—WAR SOUVENIRS ARE AMONG ARMS YIELDED IN AMNESTY

(By Alvin Shuster)

LONDON, May 1.—An amnesty period for Britons to turn in their illegal firearms ended today with many attics emptied of World War I and World War II weapons.

For three months Britons could go to their nearest police station with their weapons and turn them in without giving their names and without fear of prosecution.

From attics and closets came Italian Berettas, German Lugers, British Lee Enfields and Sten guns, plus some obscure weapons so old they defied identification.

The police also received at least one woman's "saloon" pistol, neatly packed in a gray evening bag, and a few guns concealed in canes. "Very lethal," said a Scotland Yard man.

AIR RIFLES GO, TOO

Some parents took the opportunity to deprive their children of air rifles, even though they are not illegal.

"These parents obviously were looking for an excuse to take the weapons away after yielding at Christmastime," a police official said.

During the amnesty period, citizens surrendered more than 2,000 weapons and 74,000 rounds of ammunition. Today alone, the police in London received 259 weapons and 7,500 rounds of ammunition.

Under British law, it is illegal to possess an unlicensed firearm.

The police have never carried guns here and the guards on armored trucks handle millions of dollars a day carrying only truncheons. Small businessmen or homeowners, though fearful of robbery attempts, may not obtain a license.

The British have never understood the widespread attachment of Americans for guns.

FEW CAN GET LICENSES

About the only licenses granted are for antique gun collections, for hunting or for target shooting at authorized ranges.

Of the eight million people in the London area, only 15,584 have licenses for lethal weapons.

Until today, shotguns were not controlled, primarily because they are of a short range and difficult to conceal. But now licenses will be needed for them as well. The number of shotguns used in robberies in Britain rose from 107 in 1961 to about 500 last year.

The penalty for having an illegal weapon is a fine of $480 or six months in prison, or both.

"We had a similar amnesty a few years ago," a police official said. "But of course we are not sure how many such weapons are still around.

"We don't live in a dream world, though. We know criminals are not turning in any weapons. We just want to make things a little more difficult for them. There are a lot of attics and closets now where thieves won't be finding guns to use in more serious crimes."

THE MIDDLE EAST SITUATION

Mr. MURPHY. Mr. President, I invite attention to the fine statement made by leaders of the Republican Party this morning concerning the critical Middle East situation. The statement, which commemorates the 20th anniversary of the independence of the State of Israel, criticizes strongly the administration's lack of interest or concern for that part of the world.

The Republican Party has repeatedly urged the administration to play a more constructive role in the Middle East. The Republican coordinating committee made recommendations to improve American policy shortly after the Arab-Israeli war in June 1967, and again in March 1968.

Mr. President, I regret to say that our recommendations have to date been ignored by the administration. Perhaps worse, recommendations very similar in content to those made by Republicans have been made by experts within the administration and they too have been ignored. A long and scholarly report completed in September 1967 by a joint State-Defense Study Group under the chairmanship of former Ambassador Julius C. Holmes warned the administration of a worsening situation in the Middle East and forecast an increase in Soviet efforts in that critical part of the world. The so-called Holmes report, which contains some very forthright and sensible recommendations, was summarily rejected by the administration reportedly because it was "too much of a cold war document."

I now call upon the President to make public the findings of the Holmes report and explain why the Holmes recommendations have been ignored.

One of the key recommendations which Republicans have made repeatedly concerns the need for a balance of armaments in the Middle East. We believe that the United States should strive with other nations for agreed limitations on international arms shipments to the Middle East. However, in the absence of such an agreement the United States should supply arms to friendly nations in sufficient quantity to maintain the balance of power and to serve as a deterrent to renewed warfare.

In this regard, the Democratic administration's policy has so far centered on attempts to obtain Soviet cooperation in limiting armed shipments to the Middle East. The United States persisted in this policy even while the Soviets were ostentatiously rearming their radical Arab clients. Although the Soviets have now replaced nearly all weapons lost by the Arabs in the June war—in some instances with improved equipment, the administration has refused to respond favorably to repeated requests by Israel for arms.

When Premier Eshkol visited President Johnson last January, he pointed out that the Arabs have received supersonic SU–7 fighters from the Soviets which have better performance characteristics than the Mig–21. The Premier requested that the United States sell Israel fighter aircraft with comparable capabilities. However, the United States only agreed tc provide some additional A–4 Skyhawks. The A–4 is subsonic and hardly a match for the supersonic SU–7. In fact, speakers from the State Department who have attempted to justify our Middle East policy in various areas of the country have admitted that the A–4 is 150 miles an hour slower than the SU–7.

Not only has this administration refused to sell Israel the type of aircraft she needs, but it has even attempted to make a profit on the sale of the subsonic A–4's to Israel. Further details on this incredible transaction are contained in the Republican coordinating committee's statement on the Middle East which I will introduce into the RECORD at the end of my remarks.

Mr. President, I urge the administration to provide Israel with arms sufficient to maintain the balance of power and to serve as a deterrent to renewed warfare in the Middle East. In this connection, it is important to note that Israel has never suggested that the United States should become directly involved in her problems. As General Dayan has stated, Israel does not want a single American soldier to fight on her behalf. Israel is, in fact, only asking for the weapons she needs to protect herself. Moreover, she is not asking for these weapons as a gift, she is ready and willing to pay for them.

Only if freedom-loving nations everywhere maintain their strength will aggression be deterred. Only if friendly nations are able and willing to do their fair share, will the burdens of maintaining the peace weigh less heavily upon the United States.

I ask unanimous consent that the Republican coordinating committee's most recent statement entitled "Continuing Crisis in the Middle East" be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

CONTINUING CRISIS IN THE MIDDLE EAST

(Adopted by the Republican Coordinating Committee, March 19, 1968, prepared under the direction of: Republican National Committee, Ray C. Bliss, Chairman, Washington, D.C.)

REPUBLICAN COORDINATING COMMITTEE

Presiding Officer: Ray C. Bliss, Chairman, Republican National Committee.

Former President: Dwight D. Eisenhower, 300 Carlisle Street, Gettysburg, Pennsylvania.

Former Presidential Nominees: Barry Goldwater (1964), Post Office Box 1601, Scottsdale, Arizona; Richard M. Nixon (1960), Nixon, Mudge, Rose, Guthrie, Alexander & Mitchell, 20 Broad Street, New York, New York; Thomas E. Dewey (1944 and 1948), 140 Broadway, New York, New York; Alf M. Landon (1936), National Bank of Topeka Building, 1001 Fillmore Street, Topeka, Kansas.

Senate Leadership: Everett M. Dirksen, Minority Leader; Thomas H. Kuchel, Minority Whip; Bourke B. Hickenlooper, Chairman, Republican Policy Committee; Margaret Chase Smith, Chairman, Republican Conference; George Murphy, Chairman, National Republican Senatorial Committee; Milton R. Young, Secretary, Republican Conference; Hugh Scott, Vice Chairman, National Republican Senatorial Committee.

House Leadership: Gerald R. Ford, Minority Leader; Leslie C. Arends, Minority Whip; Melvin R. Laird, Chairman, Republican Conference; John J. Rhodes, Chairman, Republican Policy Committee; H. Allen Smith, Ranking Member of Rules Committee; Bob Wilson, Chairman, National Republican Congressional Committee; Charles E. Goodell, Chairman, Planning and Research Committee; Richard H. Poff, Secretary, Republican Conference; William C. Cramer, Vice Chairman, Republican Conference.

Representatives of the Republican Gov-

ernors Association: John A. Love, Governor of the State of Colorado, Denver, Colorado; John A. Volpe, Governor of the Commonwealth of Massachusetts, Boston, Massachusetts; George W. Romney, Governor of the State of Michigan, Lansing, Michigan; Nelson A. Rockefeller, Governor of the State of New York, Albany, New York; Raymond P. Shafer, Governor of the Commonwealth of Pennsylvania, Harrisburg, Pennsylvania; John H. Chafee, Governor of the State of Rhode Island, Providence, Rhode Island; Nils A. Boe, Governor of the State of South Dakota, Pierre, South Dakota; Daniel J. Evans, Governor of the State of Washington, Olympia, Washington.

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Robert C. Hill, Chairman, United States Ambassador to Mexico, 1957–1961.

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Philip K. Crowe, United States Ambassador to Union of South Africa, 1959–1961.

Joseph S. Farland, United States Ambassador to the Republic of Panama, 1960–1963.

Paul Findley, Member of Congress from Illinois.

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Ernest S. Griffith, Dean, School of International Service, American University, 1958–1965.

Mrs. Cecil M. Harden, Member of Congress from Indiana, 1949–1959; Republican National Committeewoman for Indiana.

Joe Holt, Member of Congress from California, 1953–1959.

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John D. Lodge, United States Ambassador to Spain, 1955–1961.

Gerhart Niemeyer, Professor of Political Science, University of Notre Dame.

Nicholas Nyaradi, Director of School of International Studies, Bradley University.

Roderic L. O'Connor, Administrator, Bureau of Security and Consular Affairs, Department of State, 1957–1958.

G. L. Ohrstrom, Jr., Investment Banker.

William W. Scranton, Governor of the Commonwealth of Pennsylvania, 1963–1967.

Richard B. Sellars, Republican National Committeeman for New Jersey.

Robert Strausz-Hupé, Director, Foreign Policy Research Institute, University of Pennsylvania.

John Hay Whitney, United States Ambassador to Great Britain, 1956–61.

Kent B. Crane, Secretary to the Task Force.

I. INTRODUCTION

The Middle East is of vital importance to the free world because of its strategic geography; because its vast oil resources constitute 60% of the world's known reserve; because of the political and economic potential of its peoples, whose religions, science, art and culture have so enriched Western civilization; and because it has become a critical area of confrontation between pro-Western and pro-Communist forces, indeed between the USSR and the Warsaw Pact countries on the one hand and the United States and its allies on the other. It should be a key objective of American foreign policy to deny this area of great historic, economic, cultural and religious importance to direct or indirect Soviet Russian control; to cooperate with friendly Arab states in promoting their economic and social advancement and in preserving the independence of Israel; to maintain unobstructed use of its air, sea and land corridors vital to NATO communications which link Asia, Europe and Africa; to assure continued free world access on acceptable terms to the Middle East's petroleum and other resources; and finally to support within our capabilities the desires of all of its peoples for peace and prosperity.

Comprehension of the Middle Eastern problem requires viewing it as having two separate and distinct facets, both with long-term implications for the United States:

First, the basic Arab-Israeli conflict which has resulted in three wars in the Middle East in less than 20 years;

Second, the historic Russian drive, constant under Czars and Commissars alike, to obtain a controlling position in the Middle East.

In the June 1967 Arab-Israeli War, the instigators of Middle Eastern instability—the Soviets and certain of their Arab clients—suffered a setback. The ensuing situation afforded the United States an excellent opportunity to work energetically for a lasting peace. The Republican Coordinating Committee immediately called upon President Johnson to do so. However, our recommendations, as well as the advice and expressions of concern by Democratic Administration officials, have been ignored. (See Appendix for details.)

Failing constructive American action, the initiative quickly passed to the Communists. Moscow, whose prestige had suffered grievously as a result of the swift Israeli victory, succeeded in compounding and exploiting the general disarray and anti-American resentment engendered by the Arab defeat.

While laying down a diplomatic smoke screen in the United Nations, and assuring the United States of its peaceful and reasonable attitude at the Glassboro summit meeting, the USSR spectacularly improved its military and political position in the Middle East:

A. Following the Arab-Israeli War, the Soviets built their Mediterranean fleet up to a peak strength of 46 ships—five times the number they had deployed two years ago. This modern force typically includes one or two guided-missile cruisers, six to eight destroyers, six to eight submarines and assorted support and electronic intelligence ships. The first of Russia's helicopter carriers which is now finishing her sea trials in the Black Sea is likely to join the Mediterranean Fleet soon. This addition will provide the Soviets with the capability of landing troops to support friendly governments.

B. Russia is actively exploiting its new naval strength in the Middle East. In December, 1967 the Soviets tried to slip two submarines out of the Black Sea into the Mediterranean under water in contravention of Turkey's requirement for advance notice of naval movements in the Dardanelles. Routinely, many Russian surface ships and all their submarines enter the Mediterranean at night through the Straits of Gibraltar in order to delay and complicate U.S. monitoring operations. Moreover, the Soviets have become more determined in tracking our ships and more aggressive in trying to break up our formations. They have increased the psychological impact of their naval presence by "showing the flag" on regular visits to Arab ports, and the continual rotation of Soviet men of war in Egyptian harbors has deterred possible Israeli action, for example, in the aftermath of the sinking of the destroyer *Elath*.

C. Moscow's strategic designs on the globe's narrow "chokewaters" which are vital to international commerce, such as the Suez Canal, and on ports and bases which long have been in the exclusive domain of Western navies, are well demonstrated in the Middle East. Russian diplomats are working hard to improve relations with Turkey; and thanks to our equivocations over the *Pueblo* and other issues, the Turks are showing themselves more receptive to the advances of their traditional enemies. The Russians have already acquired the use of naval facilities in Syria and Egypt. They promptly recognized newly-independent Malta in hopes of obtaining rights at the former British base at Valetta. It is likely that the Soviets will gain access to the present French naval base at Mers el-Kebir in Algeria after France withdraws. The former British base at Aden is a prize the Soviets have long coveted. In support of this objective the Soviets have sustained the Egyptians through an indecisive four year war in neighboring Yemen. When the Egyptians withdrew at the end of 1967, Soviet pilots were thrown into the battle to prevent the demise of the Yemeni revolutionary regime.

D. Utilizing a massive air and sea lift, the Soviets have replaced nearly all the arms lost in the June war by the militant Arab states at a cost of more than $250 million. In some instances, particularly with respect to aircraft, the quality of the arms now in Arab hands has actually improved as a result of their defeat. The Russians have apparently extracted some concessions in return: the number of Soviet military advisors in Egypt has increased into the thousands; and Nasser, who has always dealt severely with local Communists even while accepting Soviet aid, quietly released more than 1000 Arab Communists from jail in January 1968. That the Soviets intend to re-equip the Arabs for another confrontation with Israel is conceded in the Soviet Minister of Finance's announcement on 11 October 1967 of a special increase in the planned military budget for 1968. According to *Pravda* he stated that the overt budget would for the first time include a provision for arms to selected "national liberation movements," and he singled out the Arab states as well as North Vietnam as proper recipients.

E. The Soviets are taking advantage of the polarized situation created by the June war to court moderate Arab leaders never before accessible to them. The Sudan has signed its first military aid agreement with the USSR. King Hussein of Jordan has been offered massive military aid. Although he has refused Soviet arms, he sent an economic mission to Moscow.

F. Wrecking the Central Treaty Organization, built around the three strategic nations on the northern tier of the Middle East—Turkey, Iran and Pakistan—has always been a key Soviet objective. Now all three governments have been offered, and accepted, Soviet aid. The Shah of Iran has even gone so far as to sign a $110 million arms agreement with Moscow.

G. The Russians obtained a concession on oil fields in southern Iraq. Since the Soviet Union is an exporter of petroleum products, it is apparent that Russia's main interest in Middle Eastern oil is to achieve influence, or if possible control, over the petroleum supply upon which Western Europe is vitally dependent.

In sum, the Soviets have increased their power in the Middle East at the very time when the United States was waiting, in vain, for a sign that the USSR would cooperate with America in trying to bring about a peaceful settlement in the area. Despite this obvious fact, the Secretary of Defense, testifying on America's overall defense posture before the Senate Armed Services Committee on February 1, 1968, dismissed increased Russian military activities in the Mediterranean as being "primarily diplomatic gestures." The Secretary said, "The task of creative statesmanship for the West will be to move Moscow further in directions that we can call constructive . . ."

The Republican Party recommends the following proposals to meet the menacing situation in the Middle East:

II. REPUBLICAN RECOMMENDATIONS

1. *The United States should assume active and imaginative leadership in the international community and in the United Nations to secure a political settlement in the Middle East based on the following principles:*

a. *An end to the state of belligerency between the Arabs and Israel and recognition by all states in the area of Israel's right to live and prosper as an independent nation.*

Arab refusal to acknowledge permanent boundaries for Israel is an attitude hardly exceptional in the Middle East.

Most Arab states and Israel have gained their independence only since World War II. Ever since, difficulties over new boundaries have consumed the region. Two "neutral zones" were created in the oil-rich Persian Gulf area to help separate the oil-producing countries of Kuwait, Iraq and Saudi Arabia. The frontiers between Saudi Arabia and the states on the southern periphery of the Arabian peninsula are still undemarcated, the strife afflicts the Yemen and South Arabia, as well as the disputed boundary areas of Somalia across the straits on the Horn of Africa. Algeria has provoked border clashes with two of its peaceable neighbors, Morocco and Tunisia. Morocco claims the entire country of Mauritania and adjacent Spanish territories. Ethnic animosities, which remain unresolved and unabated, have lead to demands for the partition of the island of Cyprus and have, on several occasions, brought Greece and Turkey to the verge of war. For years the Kurds have been militantly agitating for an independent state which would comprise lands detached from Iraq, Iran, Turkey, and possibly Syria.

Clearly, a stable Middle East awaits the permanent solution of *all* such boundary disputes, but most pressing of all is the Arab-Israeli dispute. These border problems can be best resolved by the parties directly concerned, if necessary employing the good offices of the United Nations or other third parties. Stability and peace require the parties to the Arab-Israeli conflict to agree upon permanent boundaries for Israel. Such territorial arrangements as are determined must provide security for all and permit the disengagement of opposing military forces. The United States should be prepared to join other powers in guaranteeing borders thus confirmed in order to ensure the permanency of the peace settlement.

b. *As an essential part of a permanent settlement in the Middle East, the United States should insist on, and aid in, the rehabilitation and resettlement of the more than one million Palestine Arab refugees who have been displaced over the past 20 years.*

From 1948 until the June 1967 war, $625 million had been spent by the United Nation's Relief and Works Agency (UNRWA) to provide bare subsistence to the Palestine Arab refugees. The United States had voluntarily contributed $425 million, or more than two-thirds of the total. The USSR, the strident champion of the Arabs, has never contributed to this program.

Instead of continuing to provide American tax dollars in such a routine, unassuming manner than even many Arabs are unaware of our major humanitarian effort, the United States should publicly challenge the Soviets to demonstrate the depth of their concern for the Arabs by providing aid to the refugees.

Before there can be stability in the Middle East, a just and enduring solution of the refugee problem must be found. As the leading contributor to refugee support, the United States is uniquely situated to press powerfully for the permanent resettlement of all Arab refugees. Israel, as well as the Arab states, can and must share substantially in this effort.

c. *The United States should join with other nations in pressing for international supervision of the holy places within the City of Jersusalem.*

Circumstances must be created which will provide the best protection of, and access to, the holy places so that freedom of religious worship in these places will be assured to peoples of all faiths. The holy places should not be the subject of political controversy. Their administration by a religious council comprising all directly-affected faiths is one solution that should be most carefully weighed.

d. *The United States should continue to strive for international guarantees of innocent passage through international waterways, including the Straits of Tiran and the Suez Canal.*

This guarantee would help to undergird the strategic and economic viability of Israel, as well as the Arab states, and would remove a major source of conflict in the Middle East.

This recommendation reaffirms an explicit Republican position clearly enunciated by President Eisenhower following the Arab-Israel war in 1956.

2. *The United States should propose a broad-scale development plan for all Middle Eastern states which agree to live peacefully with their neighbors.*

The Republican Party would not willingly see the rehabilitation of the Middle East become a political issue in the United States. Our country's efforts to bring peace to that war-torn region should continue to be bipartisan. In this spirit we hope for vigorous Administration and widespread public support for the bold and imaginative Eisenhower Plan to bring water, work and food to the Middle East.

This constructive proposal would provide huge atomic plants to desalt sea water, the first of which would produce as much fresh water as the entire Jordan River system. This in turn would irrigate desert lands to support the Arab refugees and bring yearned for prosperity to both Arab and Israeli territories.

While Republicans are not irrevocably wedded to the peaceful use of atomic energy for this purpose—perhaps natural gas which is plentiful in the area might be used as an alternative source of energy—we are disturbed with the summary rejection of the Eisenhower Plan by the Johnson Administration. At Senate hearings in October on a Republican resolution supporting the Eisenhower Plan, Administration officials doubted that nuclear desalinization plants could produce fresh water economically. Yet, Israel has its own plans for a much smaller, atomic-powered desalinization plant. Republicans wonder whether bureaucrats in Washington or Israeli scientists, who have already made part of the Negev desert bloom, are best qualified to comment on the technical and economic feasibility of a plan developed by President Eisenhower's former Atomic Energy Commission chief.

The Eisenhower Plan, if actively promoted by the United States and finally accepted by the current belligerents, could have a constructive impact not only upon the economic, but also upon the social and political fabric of the area. The Plan is sufficiently far-reaching to encompass all Middle Eastern states, and all should be invited to adhere. However, even if some should decline, the Plan could be initiated pending their later cooperation. The construction of the first plant would require the agreement of only a few countries, or Lebanon. Once the immense benefits of the vast increase in water supplies become evident for all to see, it would be difficult for any Middle Eastern leader to deny his people the opportunity to share in the prosperity being created.

3. *The United States must fully recognize the implications of increasing Soviet activities in the Middle East and North Africa, and be alert, firm and resourceful in countering them.*

Russian aspirations in the Middle East have not varied for centuries. Their major aims have been to create vassal states on Russia's southern periphery, and to obtain direct access to warm water ports and to the Mediterranean Sea and the Indian Ocean. The emergence of many new nations in the Middle East following World War II provided increased opportunities for advancing Soviet interests. The Soviets' post-war efforts to expand not only into Eastern Europe, but also into the Middle East, bespeak the importance which the Communists attach to the area. In 1945–46, the Soviet army moved into northern Iran, but troops were finally withdrawn after the U.S. and the U.K. objected in the United Nations. In 1947, as in 1877–78, the Soviets attempted to gain dominance over the Turkish straits, and in 1946–47, they tried to overthrow the Greek government. The United States responded decisively with its Greek and Turkish aid programs.

Following the death of Stalin, the Soviets, seeking to by-pass the Middle Eastern peoples with whom they share a common border, began cultivating Arabs further to the south. Since then, Soviet aid to the militant states in the Middle East has been dispensed on a massive scale. The U.A.R. alone has received about one-sixth of total Soviet economic aid. If economic aid to Algeria, Iraq, Syria, Somalia, and Yemen is added, the total becomes $1,824 billion or nearly one-fourth of total Soviet economic aid. Moreover, during 12 years prior to the latest Arab-Israeli conflict more than $2 billion in Soviet military aid has been extended to left-leaning Arab regimes.

Although it was common last summer to portray the Arab defeat as a severe military and prestige setback for the USSR, Moscow has since skillfully exploited Washington's preoccupation with Vietnam and strengthened greatly its position in the Middle East.

The Soviets have actively encouraged the polarization of the area, pitting Israel, supported by the United States, against all Arab states, championed by the USSR. This polarization makes even more difficult the peaceful resolution of the Arab-Israeli dispute. It also inhibits the United States from exercising influence with its moderate Arab friends. The situation is made doubly serious by Britain's decision to withdraw its military forces from "East of Suez." Britain's abandonment of its traditional stabilizing role in the Middle East will create a power vacuum, which unless filled by the United States, or preferably some multilateral non-Communist military capability, will further reduce America's ability to deter Soviet actions and preserve peace in the area.

Finally, the growth of Soviet power in the Mediterranean must be viewed as a definite threat to the southern flank of NATO.

Admiral Charles D. Griffin, commander of NATO's southern forces, warned recently that, "While the Arab world is a rich prize in itself, Europe has been and remains the primary objective. A strong Soviet power position in the Mediterranean supported by a string of client states along its southern shore, would give the Russians not only control of key resources essential to the European economy, but positions from which to menace the flow of shipping on which that economy's survival depends."

4. *The United States, in furtherance of peace in the Middle East, should strive with other nations for agreed limitations on international arms shipments to the area; but failing such an agreement the United States should be prepared to supply arms to friendly nations sufficient to maintain the balance of power and to serve as a deterrent to renewed open warfare.*

Limitation on the wasteful and destructive arms race was temporarily achieved by the Tripartite Declaration of 1950 and the Eisenhower Doctrine of 1958. However, continuing Soviet shipments of large amounts of sophisticated weapons to the militant Arab states have thwarted arms controls. Still, there should be unrelenting effort to obtain Soviet adherence to a workable system of arms control in the Middle East, particularly for the purpose of excluding nuclear weapons from the area.

Yet, we should not allow our strong desire for a halt to the Middle East arms race to blind us to the legitimate needs of our friends in the area. The Soviets, seeking to recover some of their losses in prestige, began rearming the militant Arabs right after the June war by means of a dramatic and ostentatious airlift. The lack of an American response not only allowed the Russians to reestablish their credibility in Arab eyes, but also placed our friends in jeopardy. Only recently has the Johnson Administration finally begun to realize the serious defense implications of the fact that the new equipment supplied to the militant Arabs is qualitatively superior to that lost during the June war. The performance characteristics of the older Israeli equipment, particularly aircraft, simply cannot match the capabilities of the next generation of Soviet weapons provided to the Arabs.

After the Soviets obtained more than a half year of lead time in resupplying the Arabs, President Johnson finally agreed at his January meeting with Premier Eshkol to provide Israel with more aircraft. However, America's own reduced military capability has placed unfortunate limitations on the amount and type of help we are able to provide.

Since 1960, when President Eisenhower left office, the U.S. production of new military aircraft has not kept pace with developments either quantitatively or qualitatively. America's overall tactical fighter inventory of more than 5,000 planes in 1960 has in the interim been reduced by half. Moreover, difficulties in supplying sufficient supersonic planes for America's own needs persuaded the Administration to refuse an Israeli request for supersonic F–4 Phantom fighters.

Despite Israeli concern that only American F–4 Phantoms might match the new Soviet supersonic SU–7 now in Egyptian hands, the Johnson Administration was only able to supply Premier Eshkol with additional subsonic A–4 Skyhawks. Even supplying the older plane has created difficulties, particularly since the Democratic Administration slowed the process down by attempting to make a profit on the sale of Skyhawks to Israel. (See Appendix for details.)

Republicans believe it is high time that we establish sensible priorities and restore order to our defense establishment—so that we not only will be better able to protect ourselves but also so that we can help our friends when they are in need!

5. *Finally, the United States should make a determined effort to expose and isolate the militant troublemakers in the Middle East. We should support and encourage only nonaggressive, non-Communist leaders.*

Republicans oppose the continuation of past attempts to win over leftist or otherwise unfriendly leaders by giving large amounts of aid. We believe our aid should not reward our enemies and, in effect, punish our friends.

Nasser has received more U.S. aid ($1,133.3 million) than Israel ($1,104.5 million), and nearly double the aid given to any moderate Arab leader (Jordan under King Hussein, for example, has received $572.8 million)[1] By contrast, the average aid given to the U.A.R. during the Eisenhower years was $31.6 million per year. The average yearly aid to Nasser rose sharply during Democratic Administrations to $172.1 million.

Republicans have long opposed such aid to unfriendly nations. On January 26, 1965 *every House Republican* voted to terminate all surplus food shipments to Nasser.

III. CONCLUSIONS

The Republican Party is deeply disturbed by the deteriorating situation in the Middle East and views with alarm the Johnson Administration's tendency to minimize the obvious danger, both to the United States and to our friends in the area.

It appears that the Administration desires to play down the seriousness of the Middle East crisis during this election year—much as it played down the importance of the Vietnam crisis during the last presidential election year. The Republican Party is determined to put an end to this precarious policy.

APPENDIX

THE ADMINISTRATION LACKS A MIDDLE EAST POLICY

DEMOCRATIC INACTION PRIOR TO THE WAR

Although Republicans reject categorically Arab and Soviet claims that the United States was militarily involved in the Middle Eastern conflict, either overtly or covertly, it is apparent that President Johnson's Administration cannot avoid all responsibility, or even some blame, for the events which have taken place. In fact, it appears that the Johnson Administration was so devoid of policy ideas on the Middle East that it could not have seriously affected the situation even if it had wanted to.

The following points give some idea of how badly the White House misjudged the Middle Eastern situation:

(1) For the crucial three months preceding the crisis there was no United States Ambassador to the Egyptian government. Moreover, the post of Assistant Secretary of State for Near Eastern and South Asian Affairs was vacant from October 19, 1966 to April 7, 1967, a period of nearly six months just preceding the crisis.

(2) When the new American Ambassador to Cairo, Mr. Richard Nolte, arrived on May 21, 1967 he was reported by the *Baltimore Sun* to have asked, "What crisis?" when questioned by a correspondent at the Cairo airport. The *Sun* comments that Mr. Nolte apparently was reflecting the State Department's thinking, and his bland remark showed how little Washington appreciated the gravity of the situation even at that late date. Unfortunately for the United States, Egypt's appraisal of the crisis was less light hearted, for the new American Ambassador never had an opportunity to present his credentials before the war started and diplomatic relations were broken.

(3) A resume of events during the previous spring which the Charge d'Affaires in Cairo had been reporting but which he claimed Washington has been ignoring is highly instructive. Quotations are from the *Baltimore Sun:*

"The real tip-off to Nasser's intentions was a series of violently anti-American articles published in Cairo's authoritative *Al Ahram* early in March at about the time (U.S.) Ambassador Lucius Battle left without a successor being named.

"Mohammed Heikal, editor of *Al Ahram* and a confidant of Nasser, reviewed United States-Egyptian relations from 1949 to date. The Heikal articles indicated Nasser was headed for and wanted a confrontation with Israel and the West."

"Nasser apparently tested U.S. intentions in early April by precipitating the incident which resulted in the removal of the U.S. AID mission from Taiz in Egyptian-controlled Yemen."

"The final clue to his (Nasser's) intentions was his May 2 speech in which he characterized America as the enemy of Egypt."

Once the opposing sides had mobilized their troops, and even after hostilities had broken out, the actions of the Johnson Administration indicated that our efforts were poorly coordinated. Although it was perfectly obvious from the nature of the policy statements and military preparations on both sides that war was imminent, the Administration floundered about with a makeshift attempt to organize maritime powers of the world into a group which might convince Nasser to back down from his Gulf of Aqaba blockade.

Moreover, during the first days of the conflict the Administration revealed its confusion by changing its stand on the war three times in one day. First, the State Department announced that the United States was "neutral in thought, word and deed." Second, a White House Press Secretary stated that this statement was "not a formal declation of neutrality." Third and finally, Dean Rusk issued a clarification stating that by "neutral" we meant that we were not going to become a belligerent, but this did not mean to imply that we were indifferent to the outcome of the war.

DEMOCRATIC INACTION SINCE THE WAR

By its actions subsequent to the war, the Administration has as much as admitted that it has no policy for the Middle East: a special committee was hastily established to study the Middle East, and Mr. McGeorge Bundy had to be recalled from private life to direct this group's work. Since the special committee under Mr. Bundy has had very few meetings and since nothing has been heard publicly about its findings, we conclude little progress is being made on developing a sensible Middle Eastern policy for the United States.

Republicans wish to underscore our long-established opinion that the government would do better to rely on the judgment of our professional diplomats, who are familiar with the area in question, than to organize a new committee every time a new crisis develops.

Moreover, other indications tend to confirm that the Johnson Administration is still indecisive about its Middle Eastern policy:

(1) The cavalier manner in which the Democratic Administration handled the recent sale of aircraft to Israel indicates it is not greatly concerned over the critical situation in the region.

Following the agreement between Premier Eshkol and President Johnson, Israel immediately remitted the agreed upon sum to the Naval Air Systems Command (NASC). This is a U.S. Government contracting agency which was charged with obtaining a

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[1] Analysis of these aid figures is a complex matter. The per capita figures are disparate—and the periods, types, and currency and payment requirements varied widely. Figures, which are for the fiscal year ending prior to the June 1967 war, are the latest available from A.I.D.

contract from Douglas Aircraft Company, the manufacturer of the A–4 Skyhawk.

Amazingly, the NASC spent considerable time trying to force Douglas to sell planes for resale to Israel at an especially low cost even though Israel had been charged premium prices by the Administration. Douglas refused to be pressured by the government—partially because the government owes the company some $80 million in overdue progress payments on current A–4 contracts. This is an industry-wide problem and all defense contractors are burdened with carrying the costs of defense projects over unpredictable, and often long periods, because the Democratic Administration repeatedly has defaulted on contracts which require monthly or quarterly progress payments to aricraft and other heavy equipment manufacturers.

(2) As long ago as September 1967, a joint study group composed of Defense and State Department officials under the chairmanship of Ambassador Julius C. Holmes, former Ambassador to Iran, completed a report on the "Near East and North Africa." This report, which comprises two large volumes including several annexes, defines U.S. and USSR interests and objectives in the Mediterranean area. The study reportedly highlights the vital importance of the Middle East to the United States and our NATO Allies, warns of the growing Soviet threat, and makes recommendations for United States policy. Prophetically, the study group did not consider the Arab-Israeli War as a decisive setback for the Soviets, whose power they believed would continue to increase in the mediterranean.

The Holmes Report is said to make recommendations which the Johnson Administration has largely ignored. These include:

a. The United States should encourage Western Europe to assume greater responsibility in the Middle Eastern area.

b. The United States should supplement its 6th Fleet with other NATO forces in order to offset the growing Soviet Mediterranean fleet.

c. The United States should provide limited arms aid to Israel and moderate Arab states in order to match Soviet equipment and military advisors being provided for militant Arab regimes.

d. The United States should extend aid to moderate Arab leaders only and should withhold aid from unfriendly Arab governments.

e. The United States should encourage multi-national economic development on a regional basis in order to encourage cooperation between Arabs and Israelis.

f. The United States should seek the cooperation of the USSR in attempting to prevent the introduction of nuclear weapons and missiles into the Middle East arms race.

The Holmes Report, which couples a very detailed analysis of the area with thoughtful recommendations, has been rejected by the Administration. Reportedly, Under Secretary of State Nicholas Katzenbach dispensed with the Holmes Report at a Senior Interdepartmental Group (SIG) meeting in September 1967 with the comment that the report is "too much of a cold war document."

(3) Apparently since then no detailed studies of the Middle East problem have been completed, for in mid-February 1968, a Department of Defense memorandum finally ordered the Pentagon's "Think Tanks," the Weapon Systems Evaluation Group (WSEG) and the Institute of Defense Analysis (IDA), to make a special study of the area. This study will reportedly analyze arms requirements for Israel and moderate Arab states which are necessary to balance the massive influx of Soviet arms since the war. It is estimated that this study is likely to take from three to six months to complete.

Republicans challenge President Johnson to make public the recommendations of the Holmes Report, which so far have been swept under the rug by the Administration. By suppressing the findings of such a distinguished and competent group, the President merely adds to the credibility gap from which his Administration already suffers so acutely.

THE 192D ANNIVERSARY OF INDEPENDENCE OF RHODE ISLAND FROM GREAT BRITAIN

Mr. PELL. Mr. President, on May 4, Rhode Island will celebrate the 192d anniversary of its independence from Britain. This action, taken 2 months before the Declaration of Independence at Philadelphia, made Rhode Island the first sovereign State established by Europeans in the New World. In recognition of this event, I ask unanimous consent to have printed in the RECORD a piece by Leonard J. Panaggio, of the Rhode Island Development Council.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

RHODE ISLAND: THE NEW WORLD'S FIRST FREE REPUBLIC

(By Leonard J. Panaggio)

Two months before the thirteen colonies declared their independence from Great Britain, the members of the General Assembly of the Colony of Rhode Island declared their colony independent from the mother country. This bold and brave historic action occurred on May 4, 1776, and created the first free republic in the New World.

The Rhode Island Declaration of Independence terminated a long series of incidents between Rhode Islanders and the Crown. This was evident from people who lived in a colony which the persecuted Roger Williams had established in which full religious and civil liberty was guaranteed. The colony's declaration was the climax of a series of acts against the mother country—acts of defiance! Rhode Islanders were never subjected to the authority of royal governors and the colony was the only one to enjoy a constitutional form of government in British America.

While stirring speeches were being made by irate patriots in other colonies, Rhode Islanders, for several years before Lexington and Concord, had carried on a "war" with the British—and the colonists drew the first bloodshed. On July 9, 1764 sailors from the H.M.S. *Squirrel* and Newporters fought with each other, and, cutlasses, clubs and stones were swung with bruising effects. Before the day ended the Newporters had seized Fort George and succeeded in firing cannon shot which struck the British warship. Not many years later in 1769, the longboats of the sloop of war *Liberty* were burned by Newporters. Providence citizens destroyed British tea before the Revolution, and in 1772 the H.M.S. *Gaspee,* a British revenue vessel stationed in Rhode Island, was burned to the water's edge. This was accomplished by Providence merchants and sailors who rowed down from Providence in the middle of the night to what is now called Gaspee Point in Warwick, and set torches to the ship which had been decoyed into going aground while pursuing a Newport-Providence packet vessel. A few shots were fired as the Providence men approached the ship, and the British commanding officer was wounded.

The original signed document of Rhode Island's Declaration of Independence may be seen in the Archives Room, third floor, State House, Providence.

Each year Rhode Island commemorates this milestone of American history during the month of May which is designated as Rhode Island Heritage month.

Special ceremonies are held throughout the State, including a patriotic celebration at the General Nathanael Greene Homestead in the Anthony section of Coventry. This house is affectionately known as the "Mount Vernon of the North", as Greene was Washington's second-in-command, and his most trusted general. The statue of Admiral Esek Hopkins in Providence is decorated with appropriate military honor. Hopkins was first commander-in-chief of the Continental Navy. Several historic houses and buildings are open, including the Old State House, Providence, where the Rhode Island Declaration of Independence was signed, as is the beautiful Old Colony House in Newport, where Washington and the Count de Rochambeau of France conferred. In East Greenwich, the General James Mitchell Varnum house and the armory of the Independent Company of Kentish Guards receive visitors. In the Wickford area visitors are welcome at "Smith's Castle at Cocumscussoc", only house standing in which Roger Williams preached, and at the Old Narragansett Church. Nearby is the birthplace of Gilbert Stuart, foremost painter of portraits of George Washington. The Old Slater Mill in Pawtucket, where American industrial know-how was established in 1790, is open as well as historic shrines in Bristol, Coventry, Providence, Newport, Westerly, South Kingstown and other towns.

THE FOOD-FOR-WORK AMENDMENT TO FOOD FOR PEACE

Mr. HARTKE. Mr. President, on April 3 the Senate passed S. 2986, extending Public Law 480, the food-for-peace program. Presently the House has on its Union Calendar its parallel bill, H.R. 16165, which was reported by the House Agriculture Committee on April 23.

The House bill has in it an amendment which, if passed and carried to conference, I would hope might receive the support of Senate conferees. It is an initial step toward implementing the challenging plan proposed by Robert G. Lewis in both House and Senate hearings, a plan with a very great potential effect of benefit both to hungry countries and to our own farmers. That is the food-for-work amendment. It is detailed in the statement of Senator MCGOVERN and the supporting documents he presented as a part of the Extensions of Remarks on Tuesday, in nearly five pages and materials. Rather than repeat extensively, I would refer all those interested in improving the production and use of food for the world's needs to those pages, beginning at 11086.

The House amendment would make a start by allowing the sale of local currencies, which we have in some instances far in excess of what we can spend locally, at a discount to private investors in the foreign country. These might be either U.S. or foreign contractors, who would then spend them for wages in the development of "works of public improvement." There is no expenditure of U.S. dollars involved and no adverse effect on balance of payments.

I have said this would be a start, and I support it. As envisioned by Mr. Lewis, the full implementation of his plan would result in providing—even if the sale of Indian rupees, for example, netted only 40 percent of face value in dollars—enough money to pay the difference in cost between withholding cropland from production, as at present, and exporting equivalent quantities of wheat or feed grains under Public Law 480. The world needs all American farmers can export,

and yet we do not export all we can. The reason lies in the economics. This proposal channels the economics of the farm surplus problem toward the economics of world shortage and hunger, and provides a means for bridging the gap.

I regret that the Senate did not have the opportunity to vote on this suggestion, which Senator McGOVERN had intended to offer in committee. But if the amendment written in the House bill is retained in the final agreed law, we will have taken a step toward helping hungry people to secure jobs—food for work—by providing a new tool. It would provide a realization of some hard currency return on additional sales of farm commodities and hold forth the prospect of reducing net farm program costs.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1967

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the unfinished business be laid before the Senate.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 917) to assist State and local governments in reducing the incidence of crime, to increase the effectiveness, fairness, and coordination of law enforcement and criminal justice systems at all levels of government, and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate resumed consideration of the bill.

Mr. TYDINGS. Mr. President, the pending business before the Senate is the Omnibus Crime Control and Safe Streets Act of 1967, which was reported by the Judiciary Committee of the U.S. Senate.

I support three of the titles in the pending bill—title I, title III, and title IV—which relate to law enforcement. However, contained in the bill to title II, which was adopted by the subcommittee, reported to the full committee, and only retained in the bill on an 8-to-8 vote. In other words, one-half of the members of the Judiciary Committee voted against the inclusion of title II in the bill.

I was one of those eight, Mr. President.

Title II is a legislative proposal which is not, in my judgment, a law enforcement proposal. In addition, it threatens to undermine the basic constitutional system under which this country has grown and prospered since its founding.

Title II contains several separate provisions. Considered separately, each of these provisions is, I believe, wholly unwise and subject to the gravest constitutional doubts. Considered together, the provisions of title II rank among the most serious and extensive assaults upon the Supreme Court and the independence of the Federal judiciary in the history of our jurisprudence.

Briefly stated, the provisions of title II would—

Overrule the Supreme Court's decisions in Miranda against Arizona and Mallory against the United States. The effect would be to permit Federal criminal suspects to be questioned indefinitely before they are presented to a committing magistrate and leave the States free to adopt any rule they desire with regard to the safeguards which are necessary to preserve the fundamental rights of the accused to remain silent under the historic fifth amendment.

Overrule the Supreme Court's decision in Wade against the United States by leaving the States free to admit eyewitness testimony regardless of whether it was secured by even the grossest police misconduct.

Permanently suspend the great writ. As a lawyer, I presume that the present occupant of the chair [Mr. CANNON] knows what the great writ is. It is a writ of habeas corpus. Title II would seek to suspend the great writ for those State prisoners for whom there is no other effective means to vindicate their rights under the Constitution of the United States. Think of that—the writ of habeas corpus, bought with the blood of countless of our ancestors here and across the seas.

Proponents of title II urge that it should be enacted to assist in the battle against crime. I challenge the assertion. Title II is an attack on the Federal judiciary and is not a law-enforcement measure. If title II is enacted, the chaos which would surround law enforcement procedures would be devastating. Law enforcement in this country would be in a state of confusion for years to come while the constitutionality of title II's provisions were tested in the courts. Ultimately, vast numbers of arrests and convictions made in reliance on title II would be invalidated by the courts. At this point, retrials will in many cases be impossible; witnesses will have died, memories faded. Convicted criminals will be turned out on the streets and it will be the Senate, not the courts who will be responsible.

The enactment of title II will generate disrespect for the law. Many of the provisions in title II, if not all, are little more than an attempt to amend the Constitution by act of Congress. The illegality of such an act could not be clearer. Moreover, the abolition of the Supreme Court's jurisdiction to review the voluntariness of confessions in State court proceedings can only generate 50 different definitions of the term voluntary. Consistency, whatever may be said against it as an abstract concept, is a virtue in the law. Nonuniformity in the application of fundamental Federal rights can only generate cynicism toward that belief which has been the bulwark of our liberty, the rule of law. Finally, the repeal of Federal habeas jurisdiction is, in effect, eliminating the only remedy available to many persons illegally incarcerated. Federal habeas is available to State prisoners only when there is no remedy in the State courts, or such remedy as may exist is clearly ineffective. Can one seriously defend the proposition that there can be a right without a remedy to enforce the right? This is the argument which the proponents of title II must make to overcome what clearly is their intent, an unconstitutional suspension of the great writ, the writ which was bought by the blood of our forefathers, the writ of habeas corpus.

Title II should not be a partisan issue. It should not divide Republicans and Democrats. There is no "liberal" or "conservative" position on this issue. Some 30 years ago, in this Chamber, a similar assault was made on the independence and the power of the judiciary by the President of the United States. The father of the senior Senator from Virginia [Mr. BYRD], together with my father, fought the President of the United States in his legislative effort to attack the judiciary then, almost 30 years ago. That assault was in the guise of the now infamous "Court-packing plan." Millard Tydings, Harry Byrd, Walter George, and other great names, some of whom still sit in this Chamber, were among those who stood firm and defeated this attempt to distort our constitutional system.

What were the circumstances surrounding that attempt, Mr. President? The circumstances were that the then administration and some of their leaders in Congress were not happy with some of the decisions rendered by the Supreme Court which upset certain administrative proposals in the early thirties. The President of the United States and his leadership sought to change the Supreme Court by adding a number of members, so that the President would have a majority—in a sense, cutting out the delicate balance set up by our constitutional forefathers. Many people labeled that victory, when the court-packing plan was defeated, a "conservative" victory. It was not that. It was a victory for the strength and continued viability of our basic institutions of government and the democratic system as we know it.

It is just as necessary to defeat title II for the same reasons it was necessary to defeat the court-packing plan. This is neither a "liberal" battle nor a "conservative" battle. The defeat of title II will be a victory for our Constitution and a reaffirmation of our faith in the wisdom of the Founding Fathers. It will be a victory for a government of law and reason and not emotion and passion of the time.

Basically, two different approaches are embodied in title II. The first is a frontal substantive assault on Supreme Court decisions regarding constitutional rights and police interrogation in lineups, and a "side door" jurisdictional attack on the same decisions and on the great writ, the writ of habeas corpus. Each of these attacks is equally unwise and equally invalid under our Constitution. Today I wish to discuss the frontal assault on the right to counsel and the frontal attack on the right against self-incrimination which is embodied in title II. Early next week, I will discuss at length the attempts to carve up the jurisdiction of the Supreme Court to accomplish the same illegitimate purposes. These proposals, as I have indicated, are not the first time in our history that the Supreme Court of the United States has been under attack.

Let me, first, for the RECORD, briefly discuss the history of some prior attacks

on the Court, to place title II in its proper perspective.

EARLY ATTACKS UPON SUPREME COURT

Fifty years ago, Justice Oliver Wendell Holmes, one of the greatest figures in American jurisprudence, described the sort of attacks on the Supreme Court that were current in his day. He observed that the Supreme Court was a very quiet place, but that it was the quiet of the center of a storm. He described the attacks upon the Court as an expression of unrest in our society—a kind of vague wondering by the people whether law and order pay. Mr. Justice Holmes recognized that neither the Supreme Court nor any other institution in our democracy could complain that it is called upon to justify the exercise of its power. He observed that he received many letters, not always anonymous, intimating that the Court and the Justices were corrupt. He took these things philosophically, however, and attempted to dissect this hatred and distrust, in order to see whether behind them there may be a germ of truth in such inarticulate criticisms. Much the same reaction is already apparent to current decisions of the Supreme Court. The public outcry at recent decisions in the area of criminal law has made the Court aware—if it was not aware before—of the legitimate needs of law enforcement. One obvious example of the Court's heightened sensitivity in this area is the series of recent decisions holding that the newly announced constitutional rules in the area of police interrogations and lineups are not to be applied to pending cases, but only to future cases. In addition, only last month the Court refused to extend its Wade decision—that was a "line-up" decision—requiring the presence of counsel at police lineups, to photographic identifications by eyewitness.

The same reaction has been taken by Justices of the Supreme Court throughout its history. They have lived always in the center of the storm. Efforts to curb the Court are as old as the Union itself. They are instigated from many sources: sometimes by local resentment, sometimes by sectional resistance, sometimes by political or class interests and sometimes by a collision between the Court with the great social forces of the day.

No member of the Supreme Court was ever subject to the great attack that was made upon that great Virginian who was Chief Justice when the decision in the case of Marbury against Madison was written. Mr. President (Mr. BYRD of Virginia in the chair), you might be interested that one of the things title II would do would be to seek to limit the scope of Marbury against Madison and Martin against Hunter's Lessee.

In 1793 the Court held in Chisolm against Georgia that the State of Georgia could be sued on a contract in the Federal Courts. The outraged Georgia Legislature passed a bill declaring that any Federal marshal who tried to correct a judgment would be guilty of a felony and would be put to death, without benefit of clergy, by being hanged.

In 1816 the Court held in Martin against Hunter's Lessee that it had the power to review the judgments of State courts on Federal constitutional issues. Chief Justice Roane, a State justice of Virginia, when he learned of the decision, called it a "most monstrous and unexampled decision. It can only be accounted for by that love of power which history informs us infects and corrupts all who possess it, and from which even the eminent and upright judges are not exempt."

The South, however, had no monopoly on resistance in those days. During the era of the fugitive slave laws, Massachusetts legislated to disbar any lawyer appearing in court on behalf of a slave owner, and Wisconsin opposed the Supreme Court over the return of fugitive slaves. From 1821 to 1882, at least 10 bills were introduced in Congress to deprive the Supreme Court of its appellate jurisdiction in whole or in part.

Mr. President, so we see the assault on the Court is not new by any means.

Economic class interests have also been a major source of resistance to decisions of the Supreme Court. At the turn of the century, decisions in the field of labor, income taxes, and corporations alienated large and powerful groups in the Nation and provoked agitation for the popular recall of judges and of judicial decisions. In the 1930's, as I have mentioned, the attacks on the Court in the era of the New Deal were as bitter as any in the history of our country.

In the face of these continuing assaults, how has the Supreme Court managed to survive? The great Virginian, Chief Justice Marshall once concluded:

> The Union has been preserved thus far by miracles. I do not think that they can continue.

A better reason underlying the Court's survival and prestige, however, is the widespread public understanding of the Court in our American system of government. The Constitution, it has been said, is like a work of art. It endures because it is capable of responding to the concerns, the needs, and the aspirations of successive generations of Americans.

Today the need for increased public understanding of the role of the Court is perhaps greater than ever before. The attacks on the Court come from a coalition of separate groups, and the interests supporting the Court are inarticulate and poorly organized. Today, there is sectional opposition arising from the segregation cases. There is official opposition from law enforcement agencies in many States, arising from the decisions in criminal law. There is opposition from State and local political interests, arising from the reapportionment cases.

The immediate challenge to the Federal judiciary raised by title II of S. 917 is an attack on the recent decisions of the Court in the area of criminal law. I submit that in this area, attacks on the Court are wholly unjustified, and that the opponents of the Court stand on shifting sands.

It is highly appropriate that the Court should take a continuing interest in the area of criminal procedure and of the standards of decency and fairplay in our system of law enforcement and criminal justice.

In criminal prosecutions, and I speak as the former chief Federal law-enforcement officer of the State of Maryland for 3 years, evidence must be legally obtained, and defendants charged with criminal offenses must have the benefit of counsel at every stage of the proceedings against them, from police interrogation straight on through appellate review.

It is true, of course, that many lawyers and judges, whether on the Supreme Court or off, do not agree with some of the major recent decisions of the Court in the area of criminal law.

Had I been a Justice on the Supreme Court, I might not have agreed with all their decisions in the field of criminal law. Indeed, the Justices themselves did not all agree on all decisions in the field of criminal law. However, the fact remains that we are constitutionally organized as a government.

The Supreme Court is the sole agency endowed under the Constitution with final authority to interpret the meaning of that document. The Supreme Court is, in Prof. Paul Freund's phrase, the umpire of our Federal system. It is sometimes said that attacks on the Supreme Court are to be expected, because nobody loves an umpire. Unlike an umpire, however, the Court exposes not only the reasons for its decisions, but even the disagreements entering into the decisions. I urge the Members of the Senate to examine the reasons given by the Supreme Court in its decisions. We must not and we cannot yield to emotional pressures and slogans placing arbitrary and undue emphasis on expediency and the needs of law enforcement. If we yield to such passions and emotions our whole constitutional system is in danger of being undone. Always in the past, the Congress has had the wisdom to reject the sort of assault on the Supreme Court that title II represents. I urge you now to act in the best and continuing tradition of our ancestors and predecessors in this body, and to reject title II in its entirety.

ORIGINS OF THE PRIVILEGE AGAINST SELF-INCRIMINATION

When the late Mr. Justice Frankfurter, on the occasion of the Supreme Court's invalidation of confessions from three different States, commented, "Ours is an accusatorial as opposed to an inquisitorial system," he accurately described the end product of 800 years of growth in Anglo-American jurisprudence. Prior to A.D. 1100, the method for determining issues of guilt or innocence were what civilized men today could only regard as repugnant. The early instruments of proof included trial by ordeal, trial by battle and trial by individual champion in combat.

The eventual acceptance of the accusatorial method in our system of jurisprudence owes much to Henry II, 1154–89). His adoption of the practice of the Frankish Kings of an earlier period, the inquiry among neighbors of the accused, very likely marks the beginning of the accusatorial method in Anglo-American jurisprudence, as opposed to the inquisitorial method of other countries in those days.

Initially, the inquiry of neighbors was nothing more than the summoning of

a group of responsible neighbors and, under oath, asking them to provide truthful answers to questions such as who owned certain tracts of land or what were the customs of the district. Henry II extended this institution beyond the resolution of these kinds of questions to include whether there had been any crimes committed. Under this method of inquiry it was the neighbors who provided the facts and the neighbors who sat in judgment. Eventually this practice developed into what in modern days are grand and petit juries, in the great tradition of Anglo-Saxon jurisprudence. These latter institutions develop with appropriate safeguards to the right of the accused not to be convicted from his own mouth.

Only a short time later and for historical purposes almost concurently, the inquisitorial method was taking root. Although its antecedents may be traced to certain procedures used in Roman times, the inquisitorial method owes much to Pope Innocent the III. Innocent the III fashioned the inquisitorial technique through a series of decretals beginning in 1198 or 1199 and perfected it in a decretal of the Fourth Lateran Council of 1215–16. Under these provisions, officials of the church could make persons appear before them and, under oath, tell the truth as to any matter about which he might be questioned. By and large the "safeguards" to the inquisitorial method prescribed by Innocent the III were soon ignored. For example, originally he had provided that persons could be brought for official questioning only on the accusation or denounciation of a third party or on the basis of common report—per famam—or notorious suspicion—per clamosam insinuationem. Distasteful as the inquisition may seem today, particularly now that its many abuses have come to light, it was in all probability an advance over the trial by compurgation which was little more than a farce by the early 1200's. Rather than simply stand before the official and declare his innocence, coupled with an appeal to Almighty God, the new oath pledged the accused to answer truly and then was followed by a series of questions which probed his knowledge of the matter in issue. This at least allowed the judge an opportunity to explore and probe the mind of the accused to learn what he might know. The inquisitorial method and the accusatory method represented two quite different techniques for determining guilt. Under the accusatorial method there was an insistence that the authorities establish the guilt of the accused from sources other than his own mouth.

Of course, that is the basis of our Anglo-Saxon system of criminal jurisprudence. The inquisitorial method, or oath ex officio, as it became known, established guilt by questioning the suspect in private, in the dungeons of Spain, or wherever else the inquisition held forth. Its fatal weakness was that its proceedings, were conducted in secret. This led, inevitably, to the many abuses which later followed.

To be sure the purification of the accusatorial method did not come in England until much later. It seems to have taken place about the same time that English colonials were migrating to New England, the Americas. Between 1629 and 1640 the tyranny of Charles I and the zealous persecutions by Archbishop Laud of Canterbury made the conditions of the Puritans and Separatists unbearable. Many congregations of these people were sought out and destroyed throughout England. The ex officio oath which was utilized to regulate the most intimate details of men's daily life, particularly as used by the Star Chamber, was the most hated instrument employed against these Puritans and Separatists. As early as 1604, when the canons of the Anglican Church were drawn up, puritans had voiced a protest against the ex officio oath. In 1637, a series of events began which was to establish firmly the privilege in the common law of England. In that year, "Freeborn John" Lilburne was charged before the Star Chamber with importing heretical and seditious books. He refused to take the oath and answer truly. The Council of the Star Chamber condemned him to be whipped and pilloried, for his "boldness in refusing to take a legal oath," without which many offenses might go "undiscovered and unpunished."

Some of those arguments are familiar today.

In 1638, the sentence was carried out. Lilburne was stubborn and would not yield. While he was in the pillory, he made a speech against the oath. According to his own account he stated:

> Now this oath I refused as a sinful and unlawful oath: it being the High Commission oath. . . . It is an oath against the law of the land. . . . Again, it is absolutely against the law of God; for that law requires no man to accuse himself; but if any thing be laid to his charge, there must be two or three witnesses at least to prove it. It is also against the practice of Christ himself, who, in all his examinations before the high priest, would not accuse himself, but upon their demands, returned this answer, "Why ask you me? Go to them that heard me."

I am sure that the distinguished Senator from West Virginia [Mr. BYRD] will recall the chapter in the Gospel according to St. John relating to the time of the Last Supper, when Christ was confronted by Pontius Pilate, who attempted to have Christ implicate himself. Christ said, "Why ask ye Me? Go to them that heard Me."

Lilburne continued:

> Withal, this Oath is against the very law of nature; for nature is always a preserver of itself and not a destroyer: But if a man takes this wicked oath, he destroys and undoes himself, as daily experience doth witness. Nay, it is worse than the law of the heathen Romans, as we may read, Acts XXV. 16. For when Paul stood before the pagan governors, and the Jews required judgment against him, the governor replied. "It is not the manner of the Romans to condemn any man before he and his accusers be brought face to face, to justify their accusation." But for my part, if I had been proceeded against by a Bill, I would have answered and justified all that they could have proved against me. . . .

On hearing of his speech, the Star Chamber, which was still in session, ordered John Lilburne gagged.

Lilburne filed a petition with Parliament and on May 4, 1641, the House of Commons voted that the sentence was "illegal and against the liberty of the subject." Subsequently the House of Lords concurred with this view, and it was ordered that Lilburne should be paid an indemnity of £3,000. Later that year the Star Chamber and the Court of High Commisison was abolished. The roots of the privilege were firmly planted.

During Lilburne's trial the rebellion against the oath ex officio had reached such magnitude that Charles I seemed to be wavering between despair and indignation. He demanded that these nonconformists be brought before the Star Chamber and be "enjoined to take their corporal oaths and by virtue thereof, to answer to such articles and interrogatories as shall be there objected against them," and if those accused refused to be sworn or, being sworn refused to answer they were to be declared by the Commission "pro confesso—held and had as confessed and convicted legally."

Although many of the victims of the oath ex officio had boarded ships and set sail for New England, many remained in England. Those who remained became zealous crusaders in Cromwell's army and achieved a revolution. After the decisive battles were fought the army began to insist that the principles for which it fought be secured for posterity. There was a demand for the complete abolishment of all ecclesiastical proceedings which required the despised oath and forced self-incrimination, and for complete abolition of forced testimony in all courts.

Cromwell s army was not alone in seeking protection against forced testimony. The great body of English citizens known as the Levellers presented "The Humble Petition of Many Thousands" to Parliament in 1647 demanding the enactment of revolutionary constitutional changes in accord with the principles advocated by Lilburn, Walwyn, and Overton. That petition contained 13 demands. The demand for the privilege against self-incrimination read:

> Thirdly, that you permit no authority whatsoever to compell any person or persons, to answer to any questions against themselves or nearest relations except in cases of private interest between party and party in a legall way, and to release such as suffer by imprisonment, or otherwise, for refusing to answer to such interrogatories.

Although there are historical traces of the oath ex officio after the abolition of the Star Chamber, there were also many occasions upon which the privilege was recognized by English courts.

The privilege was further secured in the trial of the 12 bishops, 1641; King Charles' trial, 1649; the second trial of John Lilburne, 1649; the Scroop's trial, 1660; and the trial of Mead and Penn, 1670. In the case of the 12 bishops, charged before the House of Lords with high treason, they were asked whether they had subscribed a certain document. They declined to answer. This is what they said in the decision:

> It was not charged in the impeachment; neither were they bound to accuse themselves.

Eight years later, in the trial of Charles I, one Holder on being asked to be sworn expressed the view that he

should not be required to testify against the king:

The Commissioners finding him already a Prisoner, and perceiving that the Questions intended to be asked him, tended to accuse himself, thought fit to waive his examination.

In the same year Lilburne was placed on trial for high treason. This time he even refused to plead. Lord Keble responded:

You shall not be compelled.

In 1660, at the trial of Adrian Scroop, one of the regicides, Lord Chief Baron Bridgeman said to him:

Did you sit upon the Sentence day, that is the evidence, which was the 27th of January? You are not bound to answer me, but if you will not, we must prove it.

The case of William Penn and William Mead demonstrated the dedication of the citizenry to the privilege. Penn, who later founded Pennsylvania, and Mead were indicted for preaching to a tumultuous assembly and disturbing the peace. Refusing to answer whether he was present at the meeting, Mead said:

It is a maxim of your own law, "Nemo tenetur accusare seipsum," which if it not be true Latin, I am sure it is true English, "That no man is bound to accuse himself." And why dost thou offer to insnare me with such a question?

The recorder answered:

Sir, hold your tongue, I did not go about to insnare you.

The jurors returned a verdict which stated that Penn and Mead were guilty of speaking but refused to find them guilty. Thereupon the court tried to browbeat the jurors into returning a verdict of guilty. The result of this outrageous conduct by the court was that the jury returned a verdict of not guilty.

It is true that prosecutors, as well as judges, continued intermittently to question those who refused to answer.

But eventually this practice came to a complete halt with the death of Lord Chief Justice Holt in 1710. According to Lord Cambell, later Lord Chief Justice and Lord Chancellor:

Holt persevered in what we call "the French system" of interrogating the prisoner.

No constitutional documents came out of the Puritan revolution, but it was clear by the time of the English Bill of Rights in 1689, that the privilege was so well established as to make its enactment unnecessary. McCauley, the English historian, seemed nearest the truth when, citing Fortescue, he wrote:

Torture was not mentioned in the Petition of Right, or in any of the statutes framed by the Long Parliament. No member of the Convention of 1689 dreamed of proposing that the instrument which called the Prince and Princess of Orange to the throne should contain a declaration against the using of racks and thumbscrews for the purpose of forcing prisoners to accuse themselves. Such a declaration would have been justly regarded as weakening rather than strengthening a rule which—had been proudly declared by the most illustrious sages of Westminster Hall to be a distinguishing feature of the English jurisprudence.

THE PRIVILEGE IN THE AMERICAN COLONIES

It has been suggested by Wigmore, among others, that the Protestants who fought strongly for the establishment of the privilege in England somehow lost sight of its virtue in crossing the Atlantic and that it remained unrecognized in the Colonies until at least 1685. However, I submit that history does not support the position of Mr. Wigmore in his conclusion.

The motives which forced the early New England colonists to flee their homeland worked to establish the privilege in the Colonies. Only the New England magistrates, who claimed authority from God, supported the oath ex officio in the Colonies. The colonists in an early attempt to secure adequate protection against the abhorrent practices of the Old World embodied the guarantee in the Body of Liberties, enacted in 1641. Liberty No. 45 provided:

No man shall be forced by torture to confess any crime against himself nor any other unless it be in some capital case where he is first fullie convicted by clear and suffitient evidence to be guilty, after which if the cause be of that nature that it is very apparent there be other conspirators or confederates with him, then he may be tortured, yet not with such torture as be barbarous and inhumane.

Mr. President, I suggest the absence of a quorum.

Mr. BYRD of West Virginia. Mr. President, will the Senator withhold the suggestion for a moment?

Mr. TYDINGS. I am delighted to withdraw the suggestion.

DESIGNATION OF MAY 20, 1968, AS "CHARLOTTE, N.C., DAY"

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from North Carolina [Mr. ERVIN], I ask that the Chair lay before the Senate a message from the House of Representatives on Senate Joint Resolution 131.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the joint resolution (S.J. Res. 131) to designate May 20, 1968, as "Charlotte, N.C., Day," which was to strike out the preamble.

Mr. BYRD of West Virginia. Mr. President, I move that the Senate concur in the House amendment.

The motion was agreed to.

OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1967

The Senate resumed the consideration of the bill (S. 917) to assist State and local governments in reducing the incidence of crime, to increase the effectiveness, fairness, and coordination of law enforcement and criminal justice systems at all levels of government, and for other purposes.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. TYDINGS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TYDINGS. Mr. President, I ask unanimous consent that I may yield 10 minutes to the distinguished Senator from Massachusetts [Mr. BROOKE] without losing my right to the floor.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Maryland? The Chair hears none, and it is so ordered.

Mr. TYDINGS. I further ask unanimous consent that the Senator's remarks may appear in the RECORD at the conclusion of my speech.

The PRESIDING OFFICER. Without objection, it is so ordered.

(Mr. BROOKE'S remarks appear following the conclusion of Mr. TYDINGS' speech.)

Mr. TYDINGS. Mr. President, the privilege against self-incrimination is not a part of that privilege carried from the Old World to the new by our forebears.

As I said, the colonists in New England early in the 17th century, in 1641, attempted to secure adequate protection against the abhorrent practices of the Old World.

Liberty No. 45 in the Bodies of Liberties enacted in 1641 contains that first attempt, which I just related.

Liberty No. 61 provides that—

No person shall be bound to inform, present or reveale any private crime or offence, wherein there is no perill or danger to his plantation or any member thereof, when any necessarie tie of conscience bind him to secresie grounded upon the word of God, unless it be the case of testimony lawfully required.

The effect on criminal procedure in the Massachusetts Bay Colony was substantial. The records of the court of assistants—1630–92—indicate that in the earlier part of the period, before most of the persecuted Puritans arrived with consequent agitation for the privilege against self-incrimination, there were more confessions than there were after the Body of Liberties became effective law. There is additional evidence of the privilege's early acceptance in the Original Thirteen Colonies.

In 1641 Mr. Bellingham, then Deputy Governor of Massachusetts, propounded to Governor Bradford several questions regarding the power of magistrates to administer the oath ex officio. Governor Bradford referred the matter to three of his ministers. In the Massachusetts Bay Colony, the majority view was that in no circumstances could physical compulsion be used, and the unanimous opinion was that to give the oath was against both the laws of God and the laws of man. Mr. Chauncey, the lone dissenter, thought that torture might be appropriate "in matters of highest consequence, such as doe concerne ye saftie or ruine of state or countrie—especially when presumptions are stroange; but otherwise by no means."

That was the minority, however.

It is quite apparent that even as early as 1641 the oath to answer truly was as unacceptable as the rack, the boot, and

the thumbscrew. Of course, the reference to the oath is the reference which I made to the early inquisition oath used by certain churches in the early periods, in the 10th, 11th, 12th 13th, and 14th centuries.

The privilege soon found its way to other colonies. When Roger Ludlow and others drafted the code for Connecticut in 1650, they based it largely on the Body of Liberties adopted in Massachusetts. But they added one refinement.

Liberty 45, although prohibiting the oath generally, provided that after conviction it could be used to learn the names of conspirators. The qualifying words were dropped in Connecticut, and it was provided:

> It is ordered by the authority of this court that no man shall be forced by torture to confess any crime against himself.

The enactment of these various provisions did not guarantee the longevity of the privilege. There were numerous abuses. Perhaps the most flagrant of which we know were the infamous Salem witch trials of the 1690's. It is important to note that no lawyer participated in those trials. Torture was used to obtain confessions from innocent girls as a matter of course. The records of the extrajudicial inquiries, unfortunately, are reminiscent of some metropolitan police records of the 20th century as set forth in the Wickersham report on police lawlessness. To be sure, many of the accused tried, though vainly, in the Salem witch trials, to invoke the privilege; but every safeguard of human dignity was trampled under the demands of the mob.

Perhaps the events most responsible for the permanence of the privilege against self-incrimination were the proceedings of the prerogative courts of governor and council which were, in those days, the supreme colonial courts. Numerous proceedings were there instituted to enforce the laws of trade in the Colonies. As the separate Colonies became royal provinces, the citizens began to lose all control over the administration of justice. An accused could be called before the royal governor and his council which, without foundation in law, sat as a court of inquiry. The proceedings were inquisitorial in nature. Those who invoked the privilege in such proceedings before this body were "severely handled, not only imprisoned for several weeks, but fined and bound to their good behavior." It was held that the Magna Carta and statutes protecting personal liberty had no application to New England.

A very short time before our Colonies revolted against Great Britain, Governor Dunmore, of the sovereign State of Virginia, was proceeding against those accused of forging paper currency and was making examinations in the grand inquisitorial manner. The Virginia House of Burgesses rose and protested against the conduct of the royal Governor. They advised the Governor by special resolution that his practices were "different from the usual mode, it being regular that an examining court on criminals be held either in the county where the fact was committed, or the arrest made." And they added:

> The duty we owe our constituents obliges us to be as attentive to the safety of the innocent as we are desirous of punishing the guilty; and we apprehend that a doubtful construction and various execution of criminal law does greatly endanger the safety of innocent men.

The colonists' objection to the Stamp Acts, the Towsend Acts, and other laws of trade and coercion just preceding the outbreak of the war is well known. Many of these acts provided for trial without jury in certain cases, and the colonists saw this extension of the vice admiralty jurisdiction to the Colonies as a substantial evil. The trials before prerogative judges without juries were clearly perceived by our Founding Fathers as a threat to their rights as Englishmen. Among these rights was the right not to be hailed before an inquisitorial court for examination. Nowhere was the objection greater than in the great Commonwealth of Virginia. These attempts of the English Crown to enforce what were widely regarded as bad laws without the safeguards provided by the use of juries threatened to set asunder the old rights which had become well established both in England and the Colonies a century before. On the eve of the Revolution, it was still thought by some that the conflict might be avoided if England would consent to accord the Colonies a bill of rights similar to those enjoyed in England. When conflict became inevitable, the Colonies were quick to provide the essential protections for liberty.

The first State to act, 22 days before the Declaration of Independence, was the Commonwealth of Virginia. By unanimous vote they adopted George Mason's draft of a Bills of Right. Section 8 provided that—

> In all capital or criminal prosecutions, a man hath a right to demand the cause and nature of his accusation, to be confronted with the accusers and witnesses, to call for evidence in his favor, and to a speedy trial by an impartial jury of his vicintage, without whose unanimous consent he cannot be found guilty, nor can he be compelled to give evidence against himself.

Pennsylvania, Vermont, and North Carolina soon adopted the Virginia draft. The Massachusetts committee, after some dispute, finally adopted this form:

> No subject shall be * * * compelled to accuse or furnish evidence against himself.

New Hampshire adopted the Massachusetts draft. Maryland drafted perhaps the weakest provisions, providing that "no man ought to be compelled to give evidence against himself," but with a proviso for legislative modification in certain cases.

When the Federal Constitution was being drafted and ratified, the conflict of interests, jurisdiction, and authority between the States and the Central Government was regarded as somewhat analogous to the conflicts between the colonies and the crown. To some extent, the potential conflict was even greater because the Federal Government was not to be bound by the rules of common law. Patrick Henry gave expression to this concern in the Virginia debates in the House of Burgesses when he said:

> Congress may introduce the practice of the civil law [inquisition] in preference to that of the common law. * * * They may introduce the practice * * * of torturing to extort confessions of the crime. * * * They will tell you * * * that they must have a criminal equity, and extort confessions by torture, in order to punish with still more relentless severity.

Mr. President, I would like to have Patrick Henry with me on the floor of the Senate during the next 3 weeks, as we debate title II.

These fears were put to rest in the Federal Bill of Rights. The fifth amendment provides:

> No persons * * * shall be compelled in any criminal case to be a witness against himself * * *

It is clear to all who are willing to examine the history of this privilege both in England and America, that it lies at the heart of our accusatorial system of criminal procedure. The adoption of the fifth amendment was a recognition of the fundamental principle that no man should be forced by question and answer to convict himself out of his own mouth. The enshrinement of that salutory rule in our Federal Constitution was the result of almost six centuries of conflict between the rights of the individual and the collective rights of the state, the crown, or the central government. The rightness of the principle had been confirmed by the personal experience of those who fled the British Isles and those who lived in the colonies during the years immediately preceding the American Revolution. Those who embraced the principle and enacted it as a part of the supreme law of the United States acted on the basis of personal knowledge. There can be no stronger testimony.

THE FIFTH AMENDMENT IN THE COURTS

The embodiment of the privilege against self-incrimination in the Federal Constitution did not end the development of the guarantee. Since the time of John Marshall, however, the Federal courts have given the guarantee a broad interpretation. In 1807, Chief Justice Marshall, sitting as a circuit justice in Virginia in the Aaron Burr case, stated that this right covered not only answers that would directly support a conviction but also those which would furnish a link in the chain of evidence needed to prosecute. In Counselman against Hitchcock the Court applied the privilege to a grand jury proceeding, although the fifth amendment's guarantee by its terms relates only to criminal cases. The Court, speaking through Justice Blatchford, ruled that the provision "must have a broad construction in favor of the right which it was intended to secure." In Empsak against United States and Quinn against United States it was held that the privilege also applied in proceedings before congressional committees.

Parallel to much of this latter development of the privilege in Federal proceedings was its application to the States. The fifth amendment applies only to the Federal Government, but, after the Civil War, with the passage of the 14th amendment, the question arose whether the prescription that the States must observe standards of due process required that they extend the privilege to accused in State criminal proceedings.

The first important test came in Twining against New Jersey. The year Twining was decided the privilege against self-incrimination was a part of the law of virtually every State in the Union. It had been given constitutional status in every State except New Jersey and Iowa and even in those States it was considered to be applicable in State criminal proceedings.

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. TYDINGS. I yield.

Mr. McCLELLAN. Mr. President, I wish to commend the distinguished Senator for the able and historic recitation he has given on criminal law and how it has developed.

I was quite interested that the Senator quoted from Justice Holmes so approvingly. I agree with the Senator with respect to Justice Holmes being a great jurist, one whom I would like to see some of our Supreme Court Justices—many of them, most of them, all of them—emulate today.

However, I wish to say to my distinguished friend that what we propose to do to title II with respect to confessions is simply to restate the law of the land as Justice Holmes declared it to be when he served as a member of the Supreme Court.

I hope my fine friend will ultimately be influenced by his great wisdom, and if he is so persuaded I shall know that we have one more vote to restore the Constitution, which has not changed, to the interpretation given to it by learned judges and by the Supreme Court for nearly 170 years.

Mr. TYDINGS. Mr. President, I thank the distinguished Senator for his kind and generous words. I believe that all Senators know of the great affection and respect I hold for the distinguished Senator from Arkansas.

Over the next several weeks I shall enjoy greatly the opportunity of discussing with him the various aspects of constitutional law on which we differ. I might say to the Senator that I am just warming up.

Mr. BROOKE. Mr. President, when a bill such as the Safe Streets and Crime Control Act is presented to the Senate for its consideration, it is inevitable that I find myself examining it from two distinct points of view. One point of view is that of a U.S. Senator, elected by the people to pass upon significant questions of public policy guided by both the public interest and the limitations imposed by the Federal Constitution. The other point of view is that of a former attorney general of Massachusetts. In Massachusetts, the attorney general is the chief law-enforcement officer of the Commonwealth. He has the ultimate responsibility and authority to insure that the criminal law is adequately enforced.

During the 4 years in which I held that office, the Massachusetts Crime Commission was active. It was my responsibility to present the information gathered by the crime commission to grand juries and then once indictments were returned, to prosecute the defendants. A significant part of my public life has been devoted to enforcement of the criminal law. During those years, I would certainly have been sensitive to arbitrary restrictions imposed upon the activities and authority of law-enforcement officials. I believe that I still possess some feeling for the subject.

Obviously, the viewpoints represented by a U.S. Senator and a State attorney general may sometimes conflict. This is especially true in the area of law enforcement, for while law enforcement is frequently the major focus of attention of the attorney general, it is only a single factor of the myriad of factors with which a Senator must be concerned.

Yet my sentiments do not conflict today. All of my experience as a State attorney general, as well as my brief experience as a U.S. Senator, convinces me that the provisions of title II, which is under discussion today, must be rejected by this body.

Title II of S. 917 covers a lot of ground. It relates to the admissibility of confessions; to the admissibility of eyewitness testimony; to the jurisdiction of the U.S. Supreme Court to review Federal constitutional questions arising in the State cases; and to the availability of the writ of habeas corpus. Yet, in all these areas, not a single provision appears which does not offend the U.S. Constitution. Nor is there a single provision which extends the kind of authority which law enforcement officials need to have or ought to have for the effective performance of their duties.

Mr. President, I do not intend to take the time of the Senate to belabor the obvious with respect to the constitutional infirmities of this title. The attempt to guarantee the admissibility of confessions in Federal criminal cases solely on the basis of "voluntariness" flies squarely in the face of the decision of the U.S. Supreme Court in Miranda against State of Arizona. There is nothing confusing about the Miranda decision. The Court has established that the giving of certain warnings to a defendant is a constitutional requirement if his confession is to be admissible in evidence against him.

In my opinion, the guidelines established by the Miranda decision are not only implicit in the fifth amendment's guarantee against self-incrimination, but they are also obvious simply from the viewpoint of fairplay and good police practice. In arriving at its decision, the majority of the U.S. Supreme Court recognized the fundamental proposition that an individual can be coerced as easily by psychological as by physical pressure. The atmosphere of the police station, the isolation from family and friends, the subjection to an interrogator intent upon extracting a confession, can at times compel response by a suspect even more easily than can traditional third-degree methods. A suspect who has confessed as a result of psychological or emotional pressure has been coerced by the police just as much as the suspect who tells a story in response to physical torture.

There are two fundamental interests which I believe are served by these standards. First, the Court has acted to protect those who are unfamiliar with their constitutional rights. The Constitution should not apply solely to those sufficiently educated to be familiar with its provisions. Its protection must be available to everyone. Second, the guarantee of the presence of counsel during the interrogation process is not an attempt to defeat the legitimate purposes of law-enforcement officials. Rather, it is an attempt to neutralize the hostile atmosphere engendered by interrogation in a police station. It is a recognition that a subsequent jury trial complete with all procedures for protecting the rights of the defendant will be of little solace if the defendant has irretrievably incriminated himself prior to the commencement of such formal proceedings.

The Miranda decision admittedly does not make life easier for the police. But in the long run the decision will result in improved law-enforcement procedures. Confessions which suspects have been "persuaded" to give are notoriously unreliable. They do not provide the kind of material upon which Government officials should seek to establish a person's guilt or innocence. In addition, less reliance upon confessions will result in more reliance upon better investigative techniques. Conviction should result from evidence gathered independently by the government; its agents should not rely, to the extent that they have, upon building their case on the confessions of the persons whom they seek to convict. It is interesting to note that in the Miranda case, and in the three cases which accompanied it, a substantial amount of evidence with respect to the guilt of the defendants had already been obtained by investigators prior to the extraction of confessions. Had the police relied upon orthodox methods of investigation rather than upon confessions, it is highly likely that the defendants would ultimately have been convicted.

Title II further provides that a confession shall not be inadmissible in evidence in a Federal court solely because of delay between the arrest and arraignment of the defendant. Again, we have the Senate attempting to overrule a decision of the U.S. Supreme Court, this time in the case of Mallory against United States. The Senate in fact considered this question a short time ago in connection with the District of Columbia Crime Act, which authorized a maximum 3-hour period for interrogation of a suspect after which the suspect could be either charged or released. Today, however, an effort is being made to authorize indefinite periods of interrogation between arrest and charge.

It would appear that under the provisions of title II a suspect could be incarcerated and questioned without ever being arraigned, tried, or released. The least that will happen is that prolonged periods of interrogation will be encouraged, and that attempts to extract confessions by both physical and psychological pressures will be invited. I think that the infirmity of such provisions under the fifth amendment is clear. The passage of this provision might well oblige the Supreme Court to go beyond even the requirements of Miranda in order to secure the rights of criminal defendants against official attempts to compel them to incriminate themselves.

The provision relating to eyewitness testimony conflicts with the decision of the U.S. Supreme Court in United States against Wade. The Court has held that a "lineup" is a sufficiently critical stage of the criminal process that a suspect is constitutionally entitled to the assistance of counsel at that point.

Today the Senate considers a bill which would authorize the admission of evidence based upon the results of that lineup irrespective of the presence or absence of counsel. Again, we are asked to move in a direction diametrically opposite from that which the Nation's highest judicial body, the final arbiter of the meaning of the Federal Constitution, has charted in its decisions.

I turn now to the provisions which relate to the appellate jurisdiction of the U.S. Supreme Court. The objective of this section is to eliminate the right of the Supreme Court to review State court determinations relating to the admissibility of confessions and eyewitness testimony. In addition, the section would prohibit the Supreme Court from reviewing any determination by a Federal court that a confession was voluntarily given by a defendant.

These provisions would, in one stroke, erase 150 years of American constitutional history. Article VI of the U.S. Constitution provides:

> This Constitution . . . shall be the supreme law of the land, and the judges in every state shall be bound thereby.

Since the days of Chief Justice Marshall, the U.S. Supreme Court has been authorized, pursuant to article VI, ultimately to determine questions relating to the interpretation of the Federal Constitution. This has included jurisdiction to determine the constitutional validity of laws enacted by Congress. Passage of these provisions will do more than simply conflict with the supremacy clause of the U.S. Constitution; it would do away with a cornerstone of our system of balanced powers of Government.

Finally, title II attempts to impose restrictions upon the use of the writ of habeas corpus. Passage of this provision will eliminate the writ as a method of testing the validity of State criminal convictions. The sole remedy which would remain available to a defendant in a State criminal proceeding who seeks to raise a Federal issue would be that of appeal or certiorari to the U.S. Supreme Court, both of which procedures are wholly discretionary.

The Constitution is crystal clear on the subject of the availability of the remedy of habeas corpus:

> The privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.

Obviously, title II is not addressed to periods of rebellion or invasion. It is an attempt to limit the use of the writ generally, in clear contradiction of the intent and specific language of the constitutional provision which I have just recited.

Mr. President, it is not enough simply to say that the provisions of title II are unconstitutional, and that eventually cases will reach the U.S. Supreme Court, giving that tribunal an opportunity to restore the constitutional balance. Years may pass between the enactment of this legislation and the rendering of final judicial decisions upon all of its ramifications. During that time, men who should constitutionally have been released will be convicted and imprisoned. The standards which guide law enforcement officials will be confused. And the U.S. Senate will be the object of just public censure for disregarding the basic principles contained in the fundamental charter of our Government.

Mr. President, the provisions of title II represent more than unconstitutional infringements upon basic human rights and liberties; they are bad law from the viewpoint of law enforcement.

Bad law enforcement practice seeks convictions out of the mouths of the accused; good practice develops the case so that a conviction will not depend upon the extraction of a confession.

Bad law enforcement practice depends upon the ignorance of the accused; good practice recognizes that convictions can be obtained consistent with the full understanding by the defendant of all of his constitutional rights. The history of the Federal Bureau of Investigation, whose agents used the so-called Miranda warnings long before that decision was ever rendered, dramatically supports this.

Bad law enforcement practice results from confusion with respect to the rights and the responsibilities of policeman and defendant; good practice depends upon an understanding of and sensitivity to such rights and responsibilities. The attempt in title II to do away with the jurisdiction of the U.S. Supreme Court to pass upon fundamental questions of Federal constitutional law will inevitably result in an unmanageable confusion of conflicting judicial decisions with respect to the basic law of this country. We would witness the intolerable situation that guilt in Massachusetts might be innocence in New York.

Mr. President, the Members of this body cannot, consistent with their oaths to support the Constitution of the United States, act affirmatively upon the provisions of this title. I wish to extend my thanks and appreciation to the Senator from Maryland for the efforts he is making to strip the Safe Streets and Crime Control Act of its undesirable features. I hope that the Senate will vote to strike all of title II from this bill.

ADDITIONAL LEGAL SCHOLARS CONDEMN TITLE II OF CRIME BILL, S. 917

Mr. TYDINGS. Mr. President, on April 19, I wrote to law schools across the country calling attention to the provisions of title II of the proposed omnibus crime bill, S. 917, which is now pending before the Senate. In my letter to the law schools, I asked for their views regarding the wisdom and the constitutionality of the provisions of title II.

On Monday, April 29, I had printed in the RECORD replies which I had received from 26 law schools in all parts of the country. These letters appear at page 10888 of the RECORD. On Wednesday, May 1, I had printed letters from another two law schools. Those letters appear at page 11234 of the RECORD. I have since received letters from an additional five law schools. Thus, to date, I have received letters from 33 law schools, signed by 164 legal scholars, including 18 law school deans. All of the letters express the unanimous opinion that title II should not be enacted.

The law schools from which I have heard to date are the following:

Boston College Law School, Brighton, Mass.

University of California School of Law at Davis, Calif.

University of California School of Law at Los Angeles, Calif.

California Western University School of Law, San Diego, Calif.

Chase College School of Law, Cincinnati, Ohio.

University of Chicago School of Law, Chicago, Ill.

University of Cincinnati College of Law, Cincinnati, Ohio.

Duke University School of Law, Durham, N.C.

Emory University School of Law, Atlanta, Ga.

George Washington University National Law Center, Washington, D.C.

Gonzaga University School of Law, Spokane, Wash.

Harvard University Law School, Cambridge, Mass.

University of Kansas School of Law, Lawrence, Kans.

Loyola University School of Law, Los Angeles, Calif.

University of Maine School of Law, Portland, Maine.

University of Maryland School of Law, Baltimore, Md.

University of Michigan School of Law, Ann Arbor, Mich.

University of Missouri School of Law, Columbia, Mo.

University of Missouri School of Law, Kansas City, Mo.

University of New Mexico School of Law, Albuquerque, N. Mex.

University of North Dakota School of Law, Grand Forks, N. Dak.

University of North Carolina, Chapel Hill, N.C.

Northeastern University School of Law, Boston, Mass.

University of Oregon School of Law, Eugene, Oreg.

University of Pennsylvania School of Law, Philadelphia, Pa.

University of South Dakota School of Law, Vermillion, S. Dak.

Southern University Law School, Baton Rouge, La.

Stanford University School of Law, Stanford, Calif.

University of Tennessee, Knoxville, Tenn.

University of Tulsa College of Law, Tulsa, Okla.

University of Virginia School of Law, Charlottesville, Va.

West Virginia University College of Law, Morgantown, W. Va.

Yale University School of Law, New Haven, Conn.

I ask unanimous consent that the additional letters which I have received from faculty members at the University of California at Los Angeles School of

Law, the George Washington University National Law Center, the Gonzaga University School of Law, the University of Kansas School of Law, the Loyola Law School at Los Angeles, the University of Missouri at Kansas City School of Law, and the University of Oregon School of Law be printed at this point in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

UNIVERSITY OF CALIFORNIA, LOS ANGELES,
Los Angeles, Calif., April 30, 1968.

Hon. JOSEPH D. TYDINGS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR TYDINGS: I have joined several of my colleagues in a letter dated April 26, 1968, opposing enactment of Title II of the Safe Streets Bill, S. 917. I would like to add an individual thought.

In both *Miranda* v. *Arizona* and *United States* v. *Wade*, two recent decisions of the Supreme Court of the United States which the proposed bill would over-turn, that Court expressly indicated that its conclusions were militated by existing police investigatory procedures. The Court invited Congress and the state legislatures to propose changes in those procedures which would obviate the need for its conclusions.

I strongly urge your Committee and the Congress to consider alternatives to the existing methods of investigation and interrogation, rather than merely to respond in a negative way to the decisions.

Such systems could include a magisterial one, different kinds of safeguards such as filming and recording of investigatory proceedings, or similar, or, indeed, markedly different, ones. The point is that this approach, rather than the specific negative response, in both the long and short runs will prove more infinitely more productive.

Sincerely yours,

MURRAY L. SCHWARTZ.

BETHESDA, MD.,
May 2, 1968.

Senator JOSEPH TYDINGS,
Senate Office Building,
Washington, D.C.:

Undersigned faculty members of the National Law Center, George Washington University, believe removal title II from pending crime control bill is of utmost importance. Legislative efforts to prevent Supreme Court from performing its role of constitutional adjudicator seriously jeopardizes basic separation of powers principle. Elimination of Federal habeas corpus review removes vital safeguard against abuse of rights of individuals, who have often secured more effective representation and vindication of their rights in Federal than in State courts.

Fully support your efforts to eliminate these provisions from S. 917.

Richard C. Allen, Jerome A. Barron, James M. Brown, Monroe H. Freedman, J. Reid Hambrick, Roger S. Kuhn, Arthur Selwyn Miller, Donald P. Rotschild, Ralph C. Nash.

GONZAGA UNIVERSITY,
Spokane, Wash., April 30, 1968.

Senator JOSEPH D. TYDINGS,
Senate Office Building,
Washington, D.C.

DEAR SENATOR TYDINGS: Thank you for your letter of April 18, 1968 concerning Senate Bill S 917. I agree with your conclusions concerning title II of this bill. In my opinion, much of the bill is of doubtful constitutionality in addition to being extremely unwise. It is, indeed, as you say, an extensive legislative assault on the Supreme Court.

I support you in your efforts to strike Title II from the bill.

Sincerely,

LEO J. O'BRIEN,
Dean.

THE UNIVERSITY OF KANSAS,
SCHOOL OF LAW,
April 29, 1968.

Hon. JOSEPH D. TYDINGS,
U.S. Senate,
Committee on the Judiciary,
Washington, D.C.

DEAR SENATOR: I have your request for comments on Senate Bill No. 917, the so-called Omnibus Crime Control and Safe Streets Bill. I have reviewed that bill, and our expert on criminal law, Professor Paul E. Wilson, has also reviewed it. Paul is co-editor of the American Criminal Law Quarterly, the periodical published by the Criminal Law Section of the American Bar Association. Paul is also on the Council of the Criminal Law Section of the American Bar Association. Both of us are of the same view.

We strongly oppose enactment of Title II of that bill. Not only do we disagree vigorously with the policy expressed in the bill, but we consider the bill an affront to the Federal Judiciary. Insofar as it purports to repeal the *Miranda* and *Wade* decisions, it seems clear that the proposal is unconstitutional. We find it incredible that the Title could have been favorably reported by the Senate Judiciary Committee. As we see it, the proposal is one effectively to amend the constitution by legislation. The proposed limitations upon the Federal Judiciary and state post-conviction matters are to us intolerable. The history of the administration of criminal justice in this country makes it clear to us that the federal constitutional guarantees can be made effective in state prosecutions only when the federal courts have broad powers to grant post-conviction relief. As we see it, the principal objective of this proposal is to make possible the emasculation of constitutional guarantees in criminal prosecutions.

In short, we urge that the bill be defeated decisively.

Sincerely,

JAMES K. LOGAN,
Dean.

LAW OFFICES, CHASE, ROTCHFORD, DRUKKER & BOGUST,
Los Angeles, Calif., April 29, 1968.

Hon. JOSEPH D. TYDINGS,
U.S. Senate,
Washington, D.C.

SIR: I am a full time practicing lawyer in Los Angeles and a part time professor at Loyola Law School at Los Angeles. Dean Tevis of the law school has called my attention to your letter of April 19 pertaining to the so-called Omnibus Crime Control and Safe Streets bill. I also have read the copy of the proposed bill enclosed with your letter.

In my view, this bill would do immense damage to the present state of the law in those areas it would affect. The proposal to remove the appellate jurisdiction of the Supreme Court of the United States is clearly unwarranted as is the attempt to abolish federal habeas corpus over all state criminal convictions.

I can only strongly urge you to do everything within your power to fight this far-reaching and ill-considered legislation.

Very truly yours,

JAMES J. MCCARTHY.

UNIVERSITY OF MISSOURI,
AT KANSAS CITY,
Kansas City, Mo., April 30, 1968.

Hon. JOSEPH D. TYDINGS,
Committee on the Judiciary,
U.S. Senate, Washington, D.C.

DEAR SENATOR TYDINGS: Dean Kelly has referred your letter of April 19 to me, as professor of constitutional law, for response.

I concur entirely with you that Title II should be stricken from the Crime Control Bill. In an effort to overcome the *Wade, Miranda,* and *Mallory* decisions, the proponents of the Title would jeopardize the whole constitutional system. The Supreme Court is the heart of the Constitution and judicial review is the essence of the Constitution. Any attack on the jurisdiction of the Court is necessarily an attack on the Constitution itself. The American people have accepted the thesis expounded by John Marshall in *Marbury* v. *Madison* that it is the peculiar function of the Supreme Court to interpret and apply the Constitution and they look to that tribunal as the ultimate guardian of their rights under the Constitution. To deprive the Court of jurisdiction to pass upon a claimed right is in effect to deny that claim. If the jurisdiction of the Court can be trimmed in one area to fit someone's distaste for certain decisions of the Court, it can be adjusted for another's dislikes, with the end that the Court ceases to be the supreme court of the United States. Without judicial review the American Constitution would be essentially the same as the Stalin Constitution, a handsomely worded document lacking in reality. The best place to put a stop to an inroad on the jurisdiction of the Supreme Court is whenever an inroad is proposed.

Title II's limitations on the jurisdiction of the Federal Courts are, I presume, being rationalized as falling within the authority conferred upon Congress by Article III, sec. 2, to make "exceptions" and "regulations." It is my firm conviction that this is not a conferral of a carte blanc upon Congress to enact any kind of legislation it sees fit affecting the jurisdiction of the Federal Courts but is rather a grant of a limited power to enact needful rules and regulations in keeping with the spirit of the Constitution. It is certainly not within the spirit of the Constitution to deprive an individual of his privilege against self-incrimination, his right to counsel, his right to be brought promptly before a magistrate, or any other right made secure by a decision of the Supreme Court, yet that is what Title II aims to do. The proposed amendment to 28 U.S.C., sec. 2256, is evidently designed to reduce to a negligible minimum Federal supervision over State Courts' disposition of Federal rights since the Supreme Court obviously can perform only a minute portion of the task of review of State action. If Title II is enacted, the Due Process Clause of the Fourteenth Amendment will be for all intents and purposes repealed pro tanto and the discredited States' rights doctrine of interposition will have won accreditation.

Unless constitutional development from *Marbury* v. *Madison* to the present is somehow obliterated, Congress cannot say that *Mallory, Miranda* and *Wade* are not the law of the land. It is 165 years too late to replace judicial supremacy by congressional supremacy in the matter of interpreting the Constitution.

Sincerely,

JOHN SCURLOCK,
Professor of Law.

UNIVERSITY OF OREGON,
SCHOOL OF LAW,
Eugene, Oreg., April 27, 1968.

Senator JOSEPH D. TYDINGS,
U.S. Senate,
Committee on the Judiciary,
Washington, D.C.

DEAR SENATOR TYDINGS: Please add my name to those who support your efforts to have Title II of S. 917 stricken from the Crime Control bill.

Sincerely,

CHAPIN D. CLARK,
Acting Dean.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. HATFIELD in the chair). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORE BAD NEWS ON THE M–16

Mr. McGOVERN. Mr. President, on April 24, I announced, on the basis of a press report from United Press International, that I had asked the Secretary of Defense to explain why it should cost $15 million to obtain 60,000 M–16 rifles from Harrington & Richardson Co. of Worcester, Mass., and $4 million more—or $19 million—to acquire the same number from General Motors Corp. of Ypsilanti, Mich.

I have not yet received a reply to that inquiry, although interim responses have come from legislative liaison officials of the Defense Department and the Army, the latest dated April 30th. It was my understanding that I would receive a full reply in the near future.

In the Washington Post yesterday morning, however, I noted that in a by-line article by Donald Rothberg of the Associated Press, "Army spokesmen" explained the discrepancy by suggesting that there is a substantial difference in labor costs between Worcester and Detroit.

I am pleased to have this information, Mr. President, although it has come by a rather circuitous route. Nevertheless, I do not find the explanation to be at all satisfactory.

Needless to say, all Members of Congress believe that our men in Vietnam should be equipped with the finest weapons possible. This belief is well documented by the investigations on the quality and workability of the M–16 by congressional committees. The hearings held by the Special Subcommittee on the M–16 Rifle Program of the House Armed Services Committee were especially helpful.

I am also encouraged by the purpose of the Army's efforts to speed up procurement of this weapon—to equip the South Vietnamese troops so that they can assume a greater share of the burden of their own defense.

These noble purposes do not, however, give reason for neglecting our responsibilities to assure that the taxpayer's resources are used prudently. On the contrary, the need to hold back Federal spending because of the budgetary crisis we are facing demands that we evaluate every agency's procurement policies with special care.

For these reasons I am greatly concerned about a number of recent events with respect to the M–16.

Prior to the award of contracts to Harrington & Richardson and General Motors, Colt Industries, Inc., was the sole supplier of this weapon. In June of last year, the Defense Department paid Colt $4.5 million for the right to develop other sources—acquiring part of the proprietary rights that had been purchased from Fairchild-Stratos and other companies in 1959 for only $325,000 plus a promise of royalties. As I understand that deal, Colt also received a right to royalties on weapons that would be produced by the new suppliers. It did not, of course, give up its right to continue producing the M–16.

Along with the right to develop secondary sources the Defense Department also purchased Colt's relinquishment of potential sales of weapons to other free world nations for a stated period of time, giving our Government the exclusive right to operate in those markets.

I have questioned the propriety of that arrangement in the past in terms of the markup Colt received. Recent developments obviously broaden the scope of legitimate inquiry.

I do not know what proportion of the $4.5 million was allocated to the right of the U.S. Government to serve as sole M–16 supplier to other free world nations. However, I am unable to perceive of any benefit gained by the Government from that part of the transaction.

I have little sympathy for the concept of the United States serving as a commercial weapons supplier to other countries. The debate over the Export-Import Bank authorization and the foreign aid bills last year indicate that I am not alone in that attitude.

But beyond this, since we are anxious to expand the supply of M–16 rifles in Vietnam, it seems unlikely that in the foreseeable future we will have a surplus to sell. On the other hand, if we are expecting a surplus, why should we go to the obviously great expense of buying proprietary rights and developing new sources of production, at per unit outlays far in excess of the amounts paid to Colt on recent procurement contracts.

From Colt's point of view, the relinquishment of the right to sell M–16's abroad can be construed as an item of value only if they have productive capacity beyond what the Government can take and hence would be selling these weapons abroad if they did not sell the right to do so. This again raises the question of why we should pay General Motors and Harrington and Richardson $316 and $250 per rifle respectively for tooling up and production, when the average price to Colt on recent contracts has been only $104 per unit.

When considering the cost to the Government of the new contracts on the M–16 it seems to me that we must add the $4.5 million paid for the right to develop the new sources along with the costs of actual development and procurement. When that figure is included in the first year's costs, it appears that we are laying out an average of $321.25 apiece for these weapons under the new contracts—compared to $104, or less than one-third as much, to Colt. The Army will doubtless say that we should prorate the $4.5 million over the 2 years during which the contract will run, but that does not substantially improve the picture in any event.

But there is more to be told. There were four potential new suppliers of the M–16 making it through the first round of the negotiation, which was concerned primarily with technical ability. If they were determined technically capable, the Army then began considering price.

General Motors, which so far as I know has never produced a rifle, was found to be capable of becoming technically able.

It has come to my attention that a Maine firearms production firm, Maremont, was also among the suppliers reaching the price negotiations. The total number of M–16's to be procured was 240,000.

General Motors asked for $56 million to produce the total number. Harrington and Richardson bid $42 million. As noted, these are the firms that were awarded the contracts.

Maremont, however, put in a bid of only $36 million. That is fully $20 million less than General Motors and $6 million less than Harrington Richardson. It figures out to a little over $168 per rifle, even when the cost of acquiring the proprietary rights, at rights, at $4.5 million, is added.

I think we ought to know why that bill was rejected.

I think we ought to know, too, why if Harrington Richardson was capable of producing all 240,000 rifles for $42 million—some $14 million less than General Motors' bid—they were not awarded the entire contract. Why was it necessary to pay a premium to General Motors if the Pentagon was satisfied enough with Harrington Richardson to award them half the contract?

I think we should also have a better explanation of the difference between the GM price and the Harrington Richardson price. I simply cannot see how labor costs could account for a difference of some $66 per rifle.

In the press report yesterday morning, the Army spokesman who was quoted also suggested that we need not worry too much about these figures, in any event, because the contracts are subject to renegotiation if the costs are less than anticipated.

I find that assurance to be of little comfort. In the first place, the Renegotiation Board does not evaluate a corporation's dealings with the Government on a contract-by-contract basis. As is the case generally, if the company has numerous contracts with the Government, they are all lumped together in the annual report. Consequently, if the contractor is making less than what might be deemed a reasonable profit on one deal, he can make substantially more than that on another without detection by the Renegotiation Board.

Moreover, there is simply no way that the Board can determine with any degree of certainty how the overall price paid to a supplier compares with the savings that might have been achieved had the contract gone to another company. The determination of whether the return is reasonable is based primarily on the costs and efficiency of the company that receives the contract. In this instance it is unlikely that the costs anticipated by Maremont would have any bearing at all.

Consequently, it is important to know the extent of General Motors' and Harrington and Richardson's dealings with Federal agencies whose contracts are covered by the Renegotiation Act before placing any reliance on the Board's power to detect excess profits.

Mr. James Reston points out in today's New York Times that the powers and guidelines of the Renegotiation Board have been greatly weakened in recent years, leaving a number of opportunities for wartime profiteering.

Beyond this, it is quite clear that the possibility of renegotiation cannot and never should be employed as an excuse for failure to exercise due diligence and good businesslike dealings in the process of negotiating and awarding contracts in the first place. I am appalled by the suggestion that the questions I have raised have little bearing because it will all come out in the wash at the end of the year.

Mr. President, I have no doubt that the questions I am raising would be widely welcomed were they directed to the Office of Economic Opportunity, the Department of Agriculture, or virtually any other agency of the Government. I think it is time for a similar standard to be applied in the case of military procurement.

Far from contributing to our security, wasteful defense expenditures undermine our national strength. The funds that we do appropriate are less effective than they should be, and the dollars wasted are diverted from more pressing needs and contribute to the fiscal problems that are seriously affecting our economic stability.

I ask unanimous consent that the article in the Washington Post to which I have referred in these remarks be printed in the RECORD, together with a letter which I have addressed to Colonel Reid of the Army Legislative Relations Office expanding on my earlier inquiry.

I also ask unanimous consent that an article on the subject of war profiteering written by James Reston, and published in today's New York Times be printed in the RECORD.

There being no objection, the articles and letter were ordered to be printed in the RECORD, as follows:

[From the Washington Post, May 2, 1968]

HIGH PRICES PAID FOR M–16'S—ARMY SPENDING UP TO $316 EACH

(By Donald M. Rothberg)

The Army, suddenly under high-level pressure to increase sharply the flow of M–16 rifles to South Vietnamese troops, is paying premium prices for the lightweight, rapid-firing weapon.

Until April 12, Colt Industries Inc., was the only manufacturer of M–16s. Colt's price has averaged $104 a rifle on recent contracts.

It is costing the Army far more than that —up to $316 per rifle—to bring two more firms into production of M–16s.

"We are paying a premium to get the quantity and quality we want," an Army source said.

The pressure to speed procurement of M–16s resulted from the decision, announced March 31 by President Johnson, to turn over more of the fighting to the South Vietnamese.

The two new M–16 sources are Harrington & Richardson of Worcester, Mass., and General Motors' Hydramatic Division at Ypsilanti, Mich.

Each firm received a two-year contract calling for production of 60,000 rifles the first year and 180,000 the second.

Harrington & Richardson will receive $15 million the first year for a unit cost to the Government of $250 a rifle. The second year the firm will receive $27 million or $150 a rifle.

Government costs under the contract awarded to General Motors are higher; $316 a rifle the first year, $200 the second.

The difference between the two contracts brought swift challenge from Sen. George S. McGovern (D–S.D.) who told the Senate the awards serve "as a painful question of the Pentagon's ability to handle the taxpayers' money wisely."

The Army responded by pointing to differences in wage scales between Detroit and Worcester. Labor Department figures show the average manufacturing employe in Detroit in February, 1968, received $167.74 a week. The figure for Worcester was $118.89.

GM and Harrington & Richardson were among four firms with which the Army negotiated after it bought the manufacturing rights for $4.5 million from Colt. The prices include the expenses of tooling up to produce a new product.

Army spokesmen stressed that both new contracts are ceiling prices subject to negotiation downward if the firms' costs prove to be less than anticipated.

U.S. SENATE,
Washington, D.C., May 3, 1968.

RAYMOND T. REID,
Colonel, GS, Office, Chief of Legislative Liaison, U.S. Department of the Army, Old Senate Office Building, Washington, D.C.

DEAR COLONEL REID: Thank you for your interim reply to my recent inquiry regarding the contracts for production of the M–16 rifle that have been awarded to Harrington & Richardson and General Motors' Hydramatic Division.

I note that although you indicated that a reply would be forthcoming in the "near future", the *Washington Post* yesterday did carry a statement from "Army spokesmen" purporting to respond to my question. As I understand it, the difference in prices, amounting to some $66 per rifle the first year and $50 per rifle the second, is accounted for by the difference in wage scales between Detroit and Worcester, and that in any event the prices are subject to negotiation downward if the firms' costs prove to be less than expected.

This prompts me to ask some additional questions. First, as to labor costs, I would like to know what proportion of the total projected costs of both tooling up to produce the weapon and actual production are attributable to labor costs.

Secondly, I note that the Army has negotiated with four firms since acquiring the right to develop additional sources of supply from Colt Industries for $4.5 million. It would be helpful to know in this respect (1) how the firms to be contacted were chosen and whether there was any solicitation beyond these four companies, and (2) by how much the offers of the other two businesses exceeded those that were accepted.

Third, since the per unit prices for the second year of production of $150 and $200 still greatly exceed the $104 that Colt has been receiving on recent contracts. I am wondering whether further reductions are contemplated in subsequent years, and whether it would have been possible to purchase additional rifles from Colt at a lesser overall cost, including in this analysis the price of the proprietary rights.

Finally, with reference to renegotiation, the Renegotiation Board each year receives an annual report of the total of all sales, costs and profits of contractors dealing with the agencies covered by the Act. Individual contracts are not considered separately, and each company is given the opportunity to offset any unreasonable profits against any of its losses or less rewarding contracts in deals with the government. Hence, it seems pertinent to ask whether the two corporations receiving the awards in this instance have other contracts with the Department of Defense or other agencies covered by the Renegotiation Act.

I would very much appreciate your assistance in responding to these specific questions.

With every good wish, I am,
Sincerely,

GEORGE MCGOVERN.

[From the New York Times, May 3, 1968]

WASHINGTON: THE NEW WAR PROFITEERS

(By James Reston)

WASHINGTON, May 2.—Every war has produced a new crop of "war profiteers," and the Vietnam war is no exception. What is original now is that the arts of cheating the Government are improving and the techniques for exposing the profiteers are declining.

The task of eliminating excessive profits on Government contracts and subcontracts is the responsibility of the Renegotiation Board, which was established by the Renegotiation Act of 1951. It enabled the Government to recover more than $800 million through renegotiated contracts in the Korean War alone, but since than its authority and its personnel have been substantially reduced.

HANDCUFFING THE COPS

For example, in 1952 the board had about 550 employes. Today it has about 180, though the level of defense procurement has increased from $25 billion to over $45 billion in the last few years.

Also, more and more exemptions have been written into the Renegotiation Act since it first passed the Congress. Under the original act contracts of $250,000 and more were subject to review by the board. This was amended in 1954 to exempt all contracts under $500,000, and in 1956 to exempt all contracts under $1 million.

In addition, certain important categories of goods were withdrawn from the board's supervision—for example, "durable productive equipment," meaning machinery and tools with a life of over five years; and also "standard commercial articles or services." Similarly, certain agencies originally covered were removed from the board's supervision, including the Department of Commerce, the Bureau of Mines, the Coast Guard, and the Bureau of Reclamation.

This issue is now coming to the fore for two reasons: It takes about a year and a half between the time contracts are awarded until the Renegotiation Board begins its review. So the vast Vietnam buildup of 1966 and 1967 is just now coming under the board's scrutiny, and the board's tenure ends this summer.

RICKOVER'S CHARGES

The likelihood is that it will be extended for another two years, but it will come under attack as usual unless vigilant members of the executive, the Congress and the press watch the undercover battle going on here to weaken it further or even put it out of business.

Vice Adm. H. G. Rickover, the Navy's self-appointed watchdog, recently told a subcommittee of the House Committee on Appropriations that profits on defense contracts were running at the rate of about $4.5 billion a year.

"In the past several years," he said, "I have seen profits on defense contracts go higher and higher. I have pointed out that the

weighted guidelines method of profit analysis adopted by the Department of Defense a few years ago resulted in higher profits for the same work—in some cases as much as 30 per cent higher."

His charge is that lack of uniform standards for letting contracts and lack of uniform standards of accounting are costing "hundreds of millions of dollars each year," and that even the present inadequate laws are not properly enforced by a Defense Department "too much influenced by an industry viewpoint."

Representative Henry B. Gonzalez, Democrat of Texas, has introduced legislation to restore the original authority of the Renegotiation Board, but despite the likelihood of a $20-billion budget deficit, and though the Government is now offering to pay 6 per cent interest on some Government securities—the highest since 1920—there is surprisingly little interest on Capitol Hill in the issue.

PUBLIC APATHY

Also, official secrecy makes investigation of war profits exceedingly difficult. The new freedom of information law covers Government contracts in theory, but efforts by The New York Times and others to get at the details have been turned aside on the ground that other laws protect the privacy of these contracts.

The loopholes in the present law on renegotiation are obvious. Industry can assign costs, Rickover asserts, "in almost any manner it chooses under loose Department of Defense guidelines and "generally accepted accounting principles." But despite all the cries about "inequality of sacrifice" in the Vietnam war, there has been less of an outcry about "profiteering" this time than in any recent American war.

Mr. STENNIS. Mr. President, will the Senator yield briefly to me?

Mr. McGOVERN. I yield to the distinguished Senator from Mississippi.

Mr. STENNIS. I am much impressed by the remarks of the distinguished Senator from South Dakota. I think he has called our attention to a very important matter. The Senator from Mississippi was advised of some of these facts 2 days ago by the Senator from Maine [Mrs. SMITH], who is the ranking Republican member of the Preparedness Investigating Subcommittee. As chairman of that subcommittee, I started inquiries into the question immediately.

The Senator from South Dakota may rest assured that the matter will have prompt and full attention by one of the arms of this body. We shall keep the Senator advised as to what steps we take and what we find.

I thank him again, as well as the Senator from Maine, for bringing these matters to our attention. I am not saying there has been any wrongdoing—we do not know—but the matter certainly requires an explanation, as the Senator has said.

Mr. McGOVERN. I thank the Senator from Mississippi. I know he is an expert on these matters. It is reassuring to me to know that he and his committee are looking into them.

Mr. STENNIS. I thank the Senator. I am not an expert, but I am concerned.

DAIRY LEGISLATION

Mr. McGOVERN. Mr. President, I introduce four bills which are of great concern to dairy farmers and their cooperative associations.

Recently, testimony was presented to the Senate Committee on Agriculture and Forestry by the National Milk Producers Federation in which proposals were outlined intended to improve the economic position of dairy farmers.

Dairy farmers have been plagued with low prices and rising costs for too long a period of time. Inasmuch as the dairy industry is one of the major segments of our agricultural community, it is in the Nation's best economic interest that we enable our milk producers to participate on a fair basis in the prosperity of the Nation, and also to preserve a dependable source of supply of milk and dairy products for American consumers. This means that the objective of parity prices for dairy farmers must be more vigorously and persistently pursued.

The legislative proposals which I introduce today will play a part in enabling dairy farmers to achieve parity prices.

BASE PLAN

The first and most important of the legislative proposals provides for amendment of the Food and Agriculture Act of 1965. Congress included authority in the original act to establish dairymen's class I base plans in Federal milk marketing orders. Through these plans, dairy farmers were enabled to adjust milk production to the fluid milk requirements of the market.

It is essential that the authority for these dairymen's class I base plans be extended. Inasmuch as present administrative procedures require at least a year in which to develop and finally implement the proposal, it is most desirable that the authority have no termination date.

The dairymen's class I base plan, as implemented by the U.S. Department of Agriculture, has resulted in requests for revision. My bill would correct some of these problems which have arisen.

In the formation of bases, the bill authorizes the use of marketings of milk during a representative period of time, not limited to 1 year and not restricted to a single, specific period of time. It has proved to be inequitable to use a single period of time to establish a permanent history of marketings for a dairy farmer. This does not allow for adjustment of the allocations of the bases from time to time. Furthermore, this method does not allow for a farmer to participate in the market if he did not initially establish his history of marketings during the specific representative period.

The bill provides for establishing a base for a new producer and to make adjustments to alleviate hardship and inequity among producers which is not contingent on new market growth. Presently, all market growth is set aside for allocation to new producers and for the alleviation of hardship and inequities. Market growth should be allocated among all producers on an equitable basis and more liberal authority should be provided for establishing bases for new producers.

This legislative proposal would also allow for making seasonal variations on prices to dairy farmers under Federal milk marketing orders so as to encourage milk production which is more nearly in balance with the needs of consumers. Milk production is generally higher in the spring and early summer months than at other times of the year. Therefore, it is desirable to adjust the prices to producers on a seasonal basis as a method of leveling milk production from month to month throughout the year.

Generally, this legislative proposal would allow for dairy farmers to vote in a referendum on dairymen's class I base plan on an individual basis. This proposal would, however, continue the present practice whereby representative voting by cooperative associations on behalf of their members is permanent.

ADVERTISING

The second legislative proposal which I am introducing would allow dairy farmers to increase sales of milk and dairy products and to improve the image of the dairy industry through a voluntary advertising, market research, and sales promotion program. There are presently some organizations established to carry on these activities, in many areas of the country, but there is a nearly complete lack of participation by dairy farmers. This bill would permit dairy farmers operating under a Federal milk marketing order to use some of their own funds to promote the sale of their product providing the program was first approved by two-thirds of the dairy farmers in the Federal order. This program would in no way add to Federal expenditures, but would utilize the Federal milk marketing order system so dairy farmers can, if two-thirds desire, establish pool-fund deductions for marketing research and development projects, advertising, sales promotion and educational programs which would improve or promote the marketing and consumption of milk and dairy products.

PRODUCER REVIEW

The third legislative proposal I am introducing would provide dairy farmers with the same administrative remedy which is available to dairy processors. Under the Agricultural Marketing Agreement Act of 1937, handlers are entitled to seek administrative redress for legal complaints. Subsequent to an administrative review by the U.S. Department of Agriculture, handlers are then privileged to seek redress in Federal courts. This procedure has not been accorded to producer complaints. The Federal milk marketing order program would function on a more smooth basis if this procedure for administrative review by the Department of Agriculture was extended to the complaints of producers and cooperative associations before such complaints were subject to review by the Federal courts. The handler review procedure has worked well from the standpoint of the program operations and should, therefore, be made available to dairy farmers.

COOPERATIVE REIMBURSEMENT

The final legislative proposal authorizes the use of dairy farmers' funds to reimburse cooperative associations for services which the cooperatives perform in Federal milk marketing orders which benefit all producers, as well as handlers and consumers. Cooperative associations

marketing milk under Federal orders perform many services of benefit to producers, handlers, and consumers. Many cooperatives maintain milk plants to manufacture reserve supplies, and under the present system the cost of maintaining these milk plants is borne by the cooperative member producers alone, despite the fact that the benefit is realized by all producers supplying the market.

Mr. President, for the sake of the Nation's dairy farmers, I urge early action by the Senate on these measures.

Mr. President, the testimony recently presented to the Senate Committee on Agriculture and Forestry by the National Milk Producer's Federation, containing proposals intended to improve the economic position of dairy farmers, provides the basis for much of the proposed legislation. I think it goes without saying that the dairy farmers represent not only an important part of our agricultural economy, but an important part of the economy of the Nation as a whole. So for the sake of the Nation's dairy farmers, I urge early action by the Senate on these four measures, which I now introduce and send to the desk. I ask unanimous consent that the statement of the National Milk Producer's Federation before the Committee on Agriculture and Forestry be printed in the RECORD.

The PRESIDING OFFICER. The bills will be received and appropriatedly referred; and, without objection, the statement will be printed.

The statement is as follows:

STATEMENT OF THE NATIONAL MILK PRODUCERS FEDERATION BEFORE COMMITTEE ON AGRICULTURE AND FORESTRY OF THE U.S. SENATE, APRIL 3, 1968

The National Milk Producers Federation is a national farm commodity organization, incorporated in 1916. It represents dairy farmers and cooperative associations marketing milk, on a cost basis, throughout the United States. The cooperative associations affiliated with the Federation have dairy farmer members in 49 states, and do business in all 50 states of the Union.

Some of the member cooperatives sell milk to dairy processing plants. A substantial part of the milk, however, is processed in farmer-owned plants and is marketed as fluid milk and dairy products.

Dairy farmers are among the principal users of the cooperative form of marketing. The Congress, in numerous legislative enactments, has recognized the enormous contribution to American agriculture made by farmer marketing cooperatives, and it is the policy of the Congress to encourage their development and growth.

We are pleased to have this opportunity of appearing before this Committee to discuss proposals to improve the economic position of the dairy farmer. Dairymen have been plagued with low prices and rising costs for several years. They have benefited substantially from the price support program, the Federal milk marketing order program and from other legislative enactments. However, they have been faced with milk supplies, particularly butterfat, in excess of commercial market requirements. This imbalance between supply and demand has been aggravated, on one hand, by the pressure of imports from abroad, and, on the other, by a persistent decline in butterfat consumption in fluid milk and in butter, which together provide a market for 75 percent of total butterfat in milk sold by farmers.

We will limit our testimony today to a few vital areas which we feel merit the support of this Committee and of the Congress.

1. THE DAIRY IMPORT ACT OF 1967—S. 612

We urge your support in seeking passage of the Dairy Import Act of 1967. This bill, S. 612, was introduced early in 1967 and is sponsored by 59 Senators. Similar legislation has been introduced by 200 members of the House of Representatives.

In our opinion, it was a direct result of support for this legislation by those sponsoring the bill in both Houses of Congress that led to a Presidential proclamation, effective July 1, 1967, limiting the flow of imports of some dairy products from abroad. These imports were largely made in evasion of quotas established by the Tariff Commission under Section 22 of the Agricultural Adjustment Act.

The Presidential proclamation, although helpful, did not bring imports under permanent or effective control. Even now, additional commodities are entering the United States. Commodities under quota may find entrance through modifications in container types or sizes. Imports of chocolate crumb, which is milk solids containing sugar, chocolate and perhaps other ingredients, are increasing. Evaporated milk, which is not subject to quotas but had been controlled by the Import Milk Act, can now be imported in unlimited quantities.

Experience in controlling imports under Section 22 of the Agricultural Adjustment Act proves conclusively that new legislation is badly needed.

S. 612 would provide mandatory quotas on all dairy products imported. The quotas, in total, would equal the average of imports during the 5-year period, 1961 through 1965. The amount would be subject to upward or downward adjustment in response to changes in consumption within the United States.

We should like to submit copies of our booklet entitled "Invasion By Evasion" for the convenience of the Committee. The booklet describes the need for new legislation and contains a copy of S. 612.

2. THE BUTTER PLANT PAYMENT PROGRAM

We urge that this Committee support S. 2527, a bill authorizing an additional method to maintain and enhance returns to dairy farmers, while making butter available to consumers at lower prices. The proposal is not intended to repeal, eliminate, or replace the CCC purchase method of price support for milk and butterfat.

The bill, S. 2527, was introduced by Senator Mondale, and is co-sponsored by Senators McGovern, Mundt, McCarthy, Young of North Dakota, Burdick and Carlson.

The mechanics of the program are relatively simple. It is designed to strengthen the market for dairy farmers, but, in effect, it is a consumer subsidy. Many are loathe to consider such a program on its merits on the basis that they do not approve of subsidies. But, it should be recognized that subsidies exists, not only in agriculture, but in many other lines of industry.

When compared to the present purchase program for price support, the proposal would be more costly insofar as Government funds are concerned. The total public outlays under the proposal, however, would be much more favorable. The public outlays include both the cost to the Government, which is paid in taxes and the amount of money spent in the market for dairy products. When the proposal is viewed from that standpoint, the Butter Plant Payment Program would not be costly because consumers would have the benefit of lower butter prices.

The Federation submits copies of our brochure entitled "A program for the Benefit of Consumers and Producers of Butter" for the convenience of the Committee. The brochure fully explains the proposal, including estimates of costs and estimates of gains to consumers.

In a companion effort to reverse the trend toward lower butterfat consumption, in fluid milk, we are developing for consideration by the Federation membership a modification of the pricing system under present law. If adopted, this pricing system could be made operative under present law.

We are calling this matter to your attention only to illustrate that dairy farmers are making efforts on their own behalf to improve the market without additional Government expense. If you desire it, we will gladly explain the pricing system; but we are not submitting it since it does not require legislation.

3. AMENDMENTS TO THE AGRICULTURE MARKETING AGREEMENT ACT OF 1937

The Federation has appended to this statement drafts of proposed amendments to the Agricultural Marketing Agreement Act of 1937, as amended, for the following purposes:

(a) *Class I Base Plan*—The authority for base plans as contained in the Food and Agriculture Act of 1965 will expire December 31, 1969. The Food and Agriculture Act of 1965, perhaps inadvertently, created some serious problems which should be corrected by further amendment to the Agricultural Marketing Agreement Act of 1937. The extension of the authority is necessary and provides an opportunity to make appropriate revisions so that the law will be in harmony with the needs of the milk markets and desires of dairy farmers.

The amendments to the Class I Base Plan which we propose, and the reasons therefore, are as follows:

(i) The new authority should have no termination date. A termination date of authority for provisions of Federal milk marketing orders is impractical. Present procedures, for practical purposes, require a year and sometimes more to develop details for a proposal, hold public hearings, and otherwise abide by the administrative procedures necessary to make an order or a base plan effective.

(ii) Our proposal would authorize use of marketings of milk during a representative period not limited to one year and not restricted to a single period of time.

The 1965 Act, as interpreted by the Department of Agriculture, requires the use of a single representative period of time to establish a permanent history of marketings by a dairy farmer.

If a farmer does not initially establish such history of marketings during the representative period, he is destined to participate in the market as a new producer, unless he obtains a history of marketings by transfer or purchase from another dairy farmer. This type of provision is too rigid.

(iii) The proposed amendment would authorize use of allocations of fluid milk utilization among dairy farmers on the basis of their respective histories of marketings, which allocations also would be subject to adjustment from time to time.

The 1965 Act, as interpreted by the Department of Agriculture, allocates utilization among dairy farmers on the basis of their histories of marketings and for the same period of time as was used in establishing such histories of marketings. Under these conditions, all market growth each month is set aside for allocation to new producers (new dairy farmers) and for the alleviation of hardship and inequities among dairy farmers before any can accrue to the month by month benefit, if any, of established producers. Thus, for any given month, new producers or hardship producers can receive allocations and average prices which are higher than those obtainable by established producers.

In fairness to dairy farmers who have supplied the market, their allocations should be at least as high, on the average, as allocations to new producers or allocations made in the interest of equity among producers.

(iv) The new authority should enable the Secretary of Agriculture to provide methods of establishing histories of marketings and allocations of utilization for new producers and to make adjustments to alleviate hard-

ship and inequity among producers, but these should not necessarily be contingent on market growth.

(v) The new authority should not preclude reduction of histories of marketings for farmers who do not deliver their allocations of the fluid milk requirements of the market. If a farmer delivers less than his allocation of the fluid milk requirements of the market, his history of marketings should be subject to reduction if provided in the order.

(vi) The new amendment should provide specific authorization for making seasonal variations in prices paid producers (dairy farmers) without regard to seasonal variations in prices charged handlers for milk in each use classification.

Cows instinctively produce more milk in the spring and early summer months than at other times of the year, but the requirements of consumers for fluid milk do not vary from season to season. Dairy farmers can be encouraged to improve herd management in a manner to result in milk production more nearly in accordance with the needs of consumers. This encouragement can best be made through a price adjustment—increasing prices during the fall and winter months of the year and decreasing prices during the spring and early summer months.

For other reasons, it is desirable to maintain prices to handlers at the same level from month to month throughout the year. Under the proposed amendment, money would be accumulated during those months when milk production was at its highest level and disbursed as a means of increasing prices to farmers during months when milk is more urgently needed. Several of the orders now contain such plans under the incidental clause of the Act, and we wish to provide a more specific authorization for them.

(vii) The new amendment should provide individual voting by dairy farmers on referenda on base plans which allocate fluid milk utilization among producers (dairy farmers), but representative voting by cooperative associations on behalf of their members with respect to other base plans and on all other matters.

(b) *Advertising*—For some years, dairy farmers and their cooperative associations have supported efforts to increase sales and improve the image of the dairy industry through organizations established for this purpose. These efforts have been financed for the most part through voluntary contributions on the part of farmers. Nevertheless, in many areas of the country, there is a lack of participation, and particularly in some of the larger fluid milk markets.

It was for the purpose of requiring participation among all farmers supplying a Federal milk order market, if approved by two-thirds of the producers in a referendum, that the Federation adopted a policy seeking amendment to the Agricultural Marketing Agreement Act of 1937 to authorize the use of producer funds for marketing research, advertising, sales promotion, and other programs designed to improve or promote the consumption of milk and its products.

We support legislation to give effect to our membership resolution concerning this matter which is as follows:

"The Federation will support amendments to the Agricultural Marketing Agreement Act to provide authorization to establish pool fund deductions for marketing research and development projects and advertising, sales promotion, educational and other programs designed to improve or promote the marketing and consumption of milk and its products. The monies so derived shall be expended under direction of producer representatives of a market using this program. The order amendment providing for the program should be subject to separate approval of producers in the same manner as provided for the approval of marketing orders without jeopardizing other order provisions."

(c) *Administrative Review Procedures for Producers*—In Section 8c(15)(A) of the Agricultural Marketing Agreement Act of 1937, an administrative procedure within the USDA is established for handlers. Handlers are required to use this review procedure within the Department in challenging the application of an order provision as applied to them, or its legality, before they are privileged to seek redress in Federal Courts. This review procedure has worked well, both from the standpoint of the handlers' complaints and from the standpoint of the program's operations. The Department is afforded the opportunity of considering the merits of each complaint and, at the same time, to view it from the point of view of the effects on the program as a whole. When the appeals are made to the Federal Courts, the Courts are thus provided with a comprehensive analysis of the problem which greatly facilitates them in their work.

Heretofore, no such procedure has been provided for producer complaints. The omission has been on the grounds that producers were not regulated by Federal milk marketing orders. As a matter of fact, producers are directly affected by the orders and, to some degree, are regulated. An example of producer regulation is the Base Plan.

It is the view of the Federation that the Act should be amended authorizing a procedure for judicial review by the Department of Agriculture on complaints of producers and cooperative associations with respect to the application of order provisions to producers, or with respect to their legality, before such complaints may be subject to review by the Federal Courts.

(d) *Reimbursement for Services Performed by Cooperative Associations*—Cooperative associations marketing milk under Federal orders perform many services which benefit all producers as well as handlers and consumers. Oftentimes, the cost of such services cannot be recovered in marketing milk. An example is the cost of balancing supplies among handlers and providing a market for milk which is in addition to the requirements of handlers. In some instances, cooperatives maintain milk plants to manufacture the reserve supplies, and the cost of maintaining these plants is borne by member producers when the milk is diverted to the fluid milk market to supply the requirements of handlers and consumers. Consequently, the Federation recommends that the Agricultural Marketing Agreement Act of 1937 be amended to authorize the use of pool funds as provided by order provisions developed by the Secretary of Agriculture through hearings, to reimburse cooperatives for services performed on behalf of all producers.

4. IMPROVED COOPERATIVE BARGAINING

Dairy cooperatives have a long and successful history of representing the interest of dairy farmers in price negotiations and in marketing activities. Consequently, it has an interest in legislative efforts directed toward improving the bargaining position of dairy farmers.

The Federation believes that farmers need additional bargaining strength. Insofar as milk is concerned, though, such bargaining power should be achieved by strengthening cooperative marketing associations rather than through committees. The Federation believes, therefore, that any bargaining for dairy farmers under the Agricultural Marketing Agreement Act of 1937, should be through producer-owned and controlled cooperative marketing associations.

The Federation has reservations about provisions of S. 2973 and did not initiate the proposal. We do believe, if the Agricultural Marketing Agreement Act is amended to improve the bargaining position of farmers, the amendment should provide authorization for a qualified cooperative association of federation of qualified cooperative associations representing more than half of the dairy farmers supplying the market, to be certified by the Secretary of Agriculture to represent and perform marketing services on behalf of all dairy farmers supplying the market with milk.

The cooperative association or federation of cooperatives would perform the services instead of the committees specified in the bill. This would include the bargaining for price and for other terms of sale. We would suggest that any qualified cooperative associations so certified be required to offer proportionate representation to other qualified cooperative associations or federations of qualified cooperative associations who desire to participate.

It would be our position that the provisions of S. 2973 not be made applicable to milk and dairy products. Both Title I and Title II would make it extremely difficult for the cooperative associations to effectively market the milk on behalf of their members, and to represent their dairy farmer members in bargaining for price and other terms of sale. Also, Title I raises serious question as to the continued operation of the Federal milk marketing order program authorized by the Agricultural Marketing Agreement Act of 1937 and of the price support program authorized by the Agricultural Act of 1949. Furthermore, the bill authorizes the use of marketing allotments. The Federation membership opposes the use of marketing allotments but instead supports the use of base-excess plans under Federal milk marketing orders as already discussed.

Title II of S. 2973 appears to be an alternate to Title I, rather than a supplement to it. It would seem that the two Titles would provide the mechanism for regulating the same commodities.

From the viewpoint of dairymen and the dairy industry, the use of marketing orders has been highly successful, even though the Act should be amended to improve the effectiveness of the program.

If Title II were enacted for the purpose of affording additional commodities the benefits of marketing orders, we would recommend that the provisions relating to milk not be changed. As mentioned, the Federation would oppose authority for marketing allotments as applied to milk. Also, it would oppose the use of elected committees, independent of the cooperatives already marketing the milk. The committee functions would seriously hamper cooperative operations and impede their success. Also, in the event the bargaining procedure is provided, we would need assurance that the procedure would not displace minimum prices established by the Secretary of Agriculture under present procedures.

It should be emphasized that efforts to enhance farm prices through improved bargaining on the part of dairy farmers, with or without marketing allotments, will be a futile and misleading effort unless imports of the same commodities are strictly controlled. Methods of controlling imports, in our opinion, would be necessary under both Titles I and II of S. 2973.

For many years, the National Milk Producers Federation has advocated legislation authorizing cooperative associations, singly or in groups, to bargain in good faith with handlers, singly or in groups, for prices and other terms of trade. Such authority would add bargaining strength to farmers, and should be authorized.

5. PESTICIDES INDEMNITY PROGRAM

An important item to dairy farmers is the indemnity payment program for pesticide residues in milk. A number of dairy farmers have had their milk barred from the market because it contained minute traces of pesticide residues, even though the use of these pesticides had been recommended by the Federal Government or were caused by factors outside the control of the farmer, such as spray drift or contaminated purchased feed. The number of dairy farmers involved has been small and the expense to the Government has not been significant. However, so long as a farmer can suffer extreme eco-

nomic loss after following procedures recommended by the Federal Government, it would be inequitable to discontinue the program.

BASE PLANS

A bill to amend the Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, is further amended by striking in subparagraph (B) of subsection 8c(5) all that part of said subparagraph (B) which follows the comma at the end of clause (c) and inserting in lieu thereof the following:

"(d) a further adjustment, equitably to apportion the total value of the milk purchased by any handler, or by all handlers, among producers and associations of producers, on the basis of their marketings of milk during a representative period of time, which need not be limited to one year, and further adjustments to provide for the accumulation and disbursement of a fund to encourage seasonal adjustments in the production of milk, and (e) a further adjustment, equitably to apportion the total value of the milk purchased by any handler, or by all handlers, among producers and associations of producers, on the basis of their marketings of milk during a representative period of time, which need not be limited to one year and which may be either a fixed period of one or more years, or a moving average of one or more years, as provided in the order, and which basis may be adjusted, and readjusted from time to time, to reflect the utilization of producer milk by any handler or by all handlers in any use classification or classifications. In the event a producer holding a base allocated under this clause (e) shall reduce his marketings, such reduction shall not adversely affect his history of production and marketing for the determination of future bases, or future adjustments of bases, except that an order may provide that, if a producer reduces his marketings below his base allocation in any one or more use classifications designated in the order, the amount of any such reduction shall be taken into account in determining future bases or future adjustments of bases. Bases allocated to producers under this clause (e) may be transferable under an order on such terms and conditions as may be prescribed in the order if the Secretary of Agriculture determines, in connection with such order, that transferability will be in the best interest of the public, existing producers, and prospective new producers. Provisions shall be made in the order for the allocation of bases under this clause (e) to new producers and for the alleviation of hardship and inequity among producers, and prescribing terms and conditions under which new producers may earn bases. Producers holding bases so allocated or earned shall thereafter participate pro rata in the market in the same manner as other producers. In the case of any producer who during any accounting period delivers a portion of his milk to persons not fully regulated by the order, provision may be made for reducing the allocation of, or payments to be received by, any such producer under this clause (e) to compensate for any marketings of milk to such other persons for such period or periods as necessary to insure equitable participation in marketings among all producers. Notwithstanding the provisions of section 8c(12) and the last sentence of section 8c (19) of this Act, order provisions under this clause (e) shall not become effective in any marketing order unless separately approved by producers in a referendum in which each individual producer shall have one vote and may be terminated separately whenever the Secretary makes a determination with respect to such provisions as is provided for the termination of an order in subparagraph 8c(16)(B). Disapproval or termination of such order provisions shall not be considered disapproval of the order or of other terms of the order."

SEC. 2. Such Act is further amended (a) by adding to subsection 8c(5) the following new paragraph: "(H) Marketing orders applicable to milk and its products may be limited in application to milk used for manufacturing."; and (b) by amending subsection 8c(18) by adding after the words "marketing area" wherever they occur the words "or, in the case of orders applying only to manufacturing milk, the production area".

SEC. 3. The legal status of producer handlers of milk under the provisions of the Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, shall be the same subsequent to the adoption of the amendments made by this Act as it was prior thereto.

ADVERTISING

A bill to amend the Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, is further amended, by adding at the end of subsection 8c(5) the following new subparagraph (I):

"(I) Establishing or providing for the establishment of marketing research and development programs, other research programs, and advertising (excluding brand advertising), sales promotion, educational, and other similar programs, designed to improve or promote the domestic marketing and consumption of milk and its products, to be financed by producers in a manner and at a rate specified in the order, on all producer milk under the order. Producer contributions under this subparagraph may be deducted from funds due producers in computing total pool value or otherwise computing total funds due producers and such deductions shall be in addition to the adjustments authorized by subparagraph (B) of subsection 8c(5). Provision may be made in the order to exempt, or allow suitable adjustments or credits in connection with, milk on which a mandatory checkoff for advertising or research is required under the authority of any State law. Such funds shall be paid to an agency organized by milk producers and producers' cooperative associations in such form and with such methods of operation as shall be specified in the order. Such agency may expend such funds for any of the purposes authorized by this subparagraph and may designate, employ, and allocate funds to persons and organizations engaged in such programs which meet the standards and qualifications specified in the order. All funds collected under this subparagraph shall be separately accounted for and shall be used only for the purposes for which they were collected. Programs authorized by this subparagraph may be either local or national in scope, or both, as provided in the order, but shall not be international. Order provisions under this subparagraph shall not become effective in any marketing order unless such provisions are approved by producers separately from other order provisions, in the same manner provided for the approval or marketing orders, and may be terminated separately whenever the Secretary makes a determination with respect to such provisions as is provided for the termination of an order in subsection 8c(16)(B). Disapproval or termination of such order provisions shall not be considered disapproval of the order or of other terms of the order."

ADMINISTRATIVE REVIEW FOR PRODUCERS

A bill to amend the Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (15) of section 8c of the Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, is amended to read as follows:

"(15)(A) Any handler subject to an order, and in the case of milk and its products any dairy farmer or cooperative association of dairy farmers affected by an order or any provision of an order, may file a written petition with the Secretary of Agriculture, stating that any such order or any provision of any such order or any obligation imposed in connection therewith is not in accordance with law and praying for a modification thereof or to be exempted therefrom. He shall thereupon be given an opportunity for a hearing upon such petition, in accordance with regulations made by the Secretary of Agriculture, with the approval of the President. After such hearing, the Secretary shall make a ruling upon the prayer of such petition which shall be final, if in accordance with law.

"(B) The District Courts of the United States in any district in which such dairy farmer, cooperative association or such handler is an inhabitant, or has his principal place of business, are vested with jurisdiction in equity to review such ruling, provided a bill in equity for that purpose is filed within twenty days from the date of the entry of such ruling. Service of process in such proceedings may be had upon the Secretary by delivering to him a copy of the bill of complaint. If the court determines that such ruling is not in accordance with law, it shall remand such proceedings to the Secretary with directions either (1) to make such ruling as the court shall determine to be in accordance with law, or (2) to take such further proceedings as, in its opinion, the law requires. The pendency of proceedings instituted pursuant to this subsection (15) shall not impede, hinder, or delay the United States or the Secretary of Agriculture from obtaining relief pursuant to section 8a(6) of this title. Any proceedings brought pursuant to section 8a(6) of this title (except where brought by way of counterclaim in proceedings instituted pursuant to this subsection (15)) shall abate whenever a final decree has been rendered in proceedings between the same parties, and covering the same subject matter, instituted pursuant to this subsection (15)."

REIMBURSEMENT FOR MARKETWIDE SERVICES

A bill to amend the Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, is further amended, by adding at the end of subsection 8c(5) the following new subparagraph (I):

"(I) Establishing or providing for the establishment of programs to reimburse cooperative associations of producers, or federations thereof, for services performed on behalf of all producers and the market, including but not limited to the balancing of supplies in the market and the maintaining of plants for handling reserve and standby supplies of milk, to be financed by producers in a manner at a rate specified in the order, on all producer milk under the order. Producer funds for use under this sub-

paragraph may be deducted from funds due producers in computing total pool value or otherwise computing total funds due producers and such deductions shall be in addition to the adjustments authorized by subparagraph (B) of subsection 8c(5)."

OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1967

The Senate resumed the consideration of the bill (S. 917) to assist State and local governments in reducing the incidence of crime, to increase the effectiveness, fairness, and coordination of law enforcement and criminal justice systems at all levels of government, and for other purposes.

Mr. BIBLE. Mr. President, I congratulate the distinguished Senator from Arkansas on his comprehensive statement opening debate on S. 917, the proposed Omnibus Crime Control and Safe Streets Act.

May 1 was Law Day, U.S.A., and I agree with the Senator from Nebraska [Mr. HRUSKA] that the occasion has never been more suitably and forcefully marked on the floor of the Senate. Law Day is set aside each year by Congress in recognition of the fundamental importance of the rule of law to our Nation. The theme of this year's celebration is "Only a Lawful Society Can Build a Better Society."

The ceremonies conducted across the Nation yesterday emphasize that there can be no rule of law—no justice for all the people of this Nation—no progress—no social or economic improvement—unless there is first and foremost a respect for the law.

Yes, the commencement of debate on this vitally important legislation is timely. It focuses our attention and that of the entire country on the greatest danger besetting the rule of law across the Nation—the disrespect of law, and the all-too-frequent inability of our law enforcement agencies and our courts to bring the criminals among us to a swift and certain accounting for their criminal deeds.

I thank the Senator from Arkansas for his very kind remarks concerning the several years of effort expended by me and by the other members of the Committee on the District of Columbia to develop and obtain the passage and approval of crime control legislation for the Nation's Capital City. Those efforts spanned the 87th, 88th, 89th, and the first session of the 90th Congress, and, as the Senate knows, bore fruit with the approval of a District of Columbia omnibus crime bill last December—Public Law 90-226.

The District Committee's work on crime included an in-depth examination of the need for strengthening the criminal laws and procedures in criminal cases in the District of Columbia. The committee conducted some 23 days of hearings and received testimony from more than 100 witnesses. We developed an extensive record on the problems raised for law enforcement agencies and the courts by the so-called Mallory rule enunciated by the U.S. Supreme Court in 1957. I am pleased to know that our spadework on this and other crime problems have been helpful to the Senator from Arkansas and the Committee on the Judiciary in their development of the present bill. I will have more to say on the subject of confessions and the Mallory rule later on in the debate.

Mr. President, as the Senate moves ahead in its consideration of this legislation, more Americans are worried about being murdered, raped, yoked, or robbed than ever before in our history. As we consider the safe streets bill, the streets of the Nation are not safe. Major crime is at an alltime high. It increased 16 percent in 1967 over the previous year. Robberies rose 27 percent, murder 12 percent, forcible rape 9 percent, aggravated assault 8 percent, auto theft 17 percent, burglary 16 percent, and larceny of $50 or more 16 percent.

Our people live in fear. The Nation is outraged and alarmed. The riots, disorders, and violence that too often mark our cities leads many to wonder indeed at the seeming inability of law-abiding America to protect itself.

Yes, we enter this debate in a condition of outrage. The vast majority of Americans are fed up with what seems to be a pampering and mollycoddling of lawbreakers. The law-abiding citizens of the Nation demand action here and now by all branches of their Government—legislative, executive, and judicial—and on all levels—Federal, State, and local—to suppress the crime in our midst by increasing the effectiveness of law enforcement throughout the Nation.

Our survival as a nation depends upon our ability to maintain effective law and order—especially in our rapidly expanding urban communities. Unless protection of the individual and his property can be assured, this will no longer be a nation under law. Unless the law is strong, and fairly and effectively enforced, we have no government worthy of the name—only chaos and anarchy.

The bill now under consideration has been developed with a view to providing essential assistance to the overburdened, overworked law enforcement agencies throughout the Nation. It seeks to provide the wherewithal for the development of new and effective anticrime, law enforcement methods, and programs.

As evidenced by the minority, individual, and additional views contained in the committee's report, the bill proposes controversial measures in relation to confessions, appellate review of lower court actions, wiretapping and electronic surveillance, the interception of communications, and the control of firearms.

Each element of the bill must, of course, be thoroughly and exhaustively considered in the days ahead.

I repeat: Our survival as a nation depends upon our ability to maintain effective law and order. Crime is a cancer that is eroding the quality of life in America. It is time to stop bemoaning the terror of it all. Now is the time to do something about it.

For my part, I strongly believe that if we are to be responsive to the needs of the day, we must realistically consider whether the pendulum of equal justice under law has swung too far. It seems to me that in our zealous efforts to guard individual liberties, our homes, our streets, our businesses, and the very lives of our people have been overexposed to violence and lawlessness. We face the delicate and coldly practical task of reforming the law to take account of the practical problems of law enforcement; and of equipping the law to deal effectively not only with hoodlums and thrill thugs, but with the sophisticated criminal who flouts society while the community—in the person of the policeman and the judge—stands unable to move against him effectively because of unrealistic legal restrictions, and technicalities.

Again, I shall have more to say as our debate proceeds.

Mr. President, I commend the distinguished members of the Committee on the Judiciary for their long and diligent efforts in bringing forth this bill for the Senate's consideration. I urge that we move ahead expeditiously. The vast majority of our people are demanding prompt action to restore safety to the streets and peace and order throughout their communities.

Mr. President, I yield the floor.

Mr. BYRD of West Virginia. Mr. President, I wish to take just a moment to congratulate the distinguished Senator from Nevada on his excellent speech. He is one of a few Senators who have been speaking out for a long time with regard to this very vital and important subject. He is not a Johnny-come-lately. He has shown an interest over the years in better police protection in the District of Columbia, and has from time to time assisted me and advised me in my efforts as chairman of the Appropriations Subcommittee on the District of Columbia to appropriate moneys for the Police Department here.

He has always shown a strong interest in the Metropolitan Police Department. He has indicated not only his interest, but his strong support of adequate appropriations to fund the police budget of the District of Columbia. So he does not speak only today; he has spoken from time to time, and has been a leader in the fight to restore a respect for law and order, not only in the Nation's Capital, but also throughout the country.

The distinguished senior Senator from Arkansas [Mr. MCCLELLAN], the day before yesterday, paid recognition which was deserved to the efforts of the Senator from Nevada [Mr. BIBLE], who helped to mold and develop the very constructive piece of legislation that is before the Senate today. I share the views that were expressed by the Senator from Arkansas, and simply wish to add my personal tribute to the Senator from Nevada, who has worked diligently for the protection of our citizens, and who continues not only to speak out, but also to give his time and his very great talents to the promotion of law and order.

Mr. BIBLE. I thank the Senator from West Virginia. I appreciate the close working relationship that Senator BYRD and I have had in our work on affairs in this very difficult area. We have worked together; we have worked closely; and I think we have made some headway. Much more remains to be done, and certainly will be done.

I thank the Senator from West Virginia, as I earlier have thanked the Sena-

tor from Arkansas, for the very kind things he has said about my efforts in this field in behalf of the District of Columbia.

AMENDMENT NO. 715

Mr. DIRKSEN. Mr. President, I submit an amendment to the pending bill, and make only this much explanation of it: When the bill was being considered by the House of Representatives, a provision dealing with block grants was written in. That provision was removed by the Senate committee, and I propose by this amendment to have the item restored.

The language in the amendment is substantially the same as the provision that the House voted on; and, at the proper time, I shall have the amendment called up for consideration in connection with the bill. I submit the amendment for printing under the rule, and at some subsequent time I shall bring it to the further attention of the Senate, because I anticipate that other Senators on both sides of the aisle will wish to join as cosponsors.

The PRESIDING OFFICER. The amendment will be received and printed, and will lie on the table.

EXECUTIVE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate go into executive session for action on nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will state the nominations.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

The assistant legislative clerk proceeded to read sundry nominations in the Coast Guard which had been placed on the Secretary's desk.

Mr. BYRD of West Virginia. Mr. President, I ask that the nominations be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of the nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate resume the consideration of legislative business.

The PRESIDING OFFICER. Without objection, it is so ordered.

OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1967

The Senate resumed the consideration of the bill (S. 917) to assist State and local governments in reducing the incidence of crime, to increase the effectiveness, fairness, and coordination of law enforcement and criminal justice systems at all levels of government, and for other purposes.

AMENDMENT NO. 708

Mr. HRUSKA. Mr. President, I ask unanimous consent that at the next printing of my amendment No. 708 to S. 917, the names of the following Senators be added as cosponsors: The Senator from North Dakota [Mr. YOUNG], the Senator from Kansas [Mr. CARLSON], the Senator from Utah [Mr. BENNETT], and the Senator from Oregon [Mr. HATFIELD].

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HRUSKA. Mr. President, in order to summarize and briefly characterize my position on the pending bill, S. 917, I make the following remarks:

I agree with the funding and priority provisions of title I, Law Enforcement Assistance, with the exception of the section which allows use of Federal funds to supplement police salaries. I heartily disagree with the method by which the law-enforcement assistance funds would be administered. The committee proposes a direct grant-in-aid system. Block grants would be preferable.

Title II, regarding rules of evidence in Federal courts and modified Federal court jurisdiction, is an attempt to deal positively with the problems of confessions, eyewitness testimony, and Federal habeas corpus proceedings as they have developed over the years. I supported these sections in committee and will support them on the floor.

The wiretapping and electronic surveillance provisions of title III are the product of combining the proposal of the Senator from Arkansas [Mr. MCCLELLAN], S. 675, and my bill, S. 2050. Law-enforcement officials will have the use of an effective and prove crime-fighting tool. Impartial court supervision and other safeguards will carefully protect the rights of private citizens. With two exceptions, I support this title. I would broaden the list of Federal crimes in which this weapon could be used, and I urge that the provisions imposing Federal controls on State use of wiretapping and electronic surveillance equipment be deleted.

The question of gun-control legislation is covered in title IV. There is universal agreement that there is a need to strengthen existing Federal gun-control laws. From there on, I disagree with virtually everything in title IV. On April 29, I introduced amendment 708 in the nature of a substitute to title IV. The amendment and a sectional analysis is found at page 10858 of the CONGRESSIONAL RECORD for that day.

LAW-ENFORCEMENT ASSISTANCE

The Committee on the Judiciary has reached substantial agreement on the need for law-enforcement assistance funds and on the areas to be funded. This legislation is an important step toward meeting the problems of State and local law enforcement and criminal justice agencies.

I disagree with one area of funding: use of Federal funds to pay one-half of the increases in salary for law-enforcement officials.

I also disagree very vigorously and fundamentally with the method in which law-enforcement assistance funds will be administered. The committee recommends a system of direct grants-in-aid and places the Law-Enforcement Assistance Administration under the supervision of the Attorney General. The alternatives are a system of block grants and independent administration.

These three issues raise the question of the proper role of the Federal Government in the area of criminal justice and crime fighting. Criminal law is primarily a State and local responsibility and the Law-Enforcement Assistance Act should leave the responsibility there.

A system of block grants would meet the need to improve our law-enforcement capabilities and at the same time allow the States and local jurisdictions to meet their increasing responsibilities.

State planning commissions would establish coordinated, comprehensive State plans. Priorities governing law-enforcement agencies, and the systems of courts and corrections can best be set at the State level. Metropolitan developments can be handled only at a higher level of government.

Our proposal has built-in safeguards to allay the fears of some that city-State jealousies would prevent the cities from getting funds under a State commission system. Seventy-five percent of the action grant funds received by the State must go to local agencies if there is a local need. In addition, if the State fails to set up a planning authority within a reasonable time, the Law-Enforcement Assistance Administration is authorized to deal directly with local government organizations.

The Attorney General is the chief law-enforcement officer of the Federal Government. He is not the chief law-enforcement officer of the States and cities to which law-enforcement assistance funds are going. Therefore, unless we intend to vest ultimate control in the hands of this one man, the subcommittee language insuring the independence of the administration in the exercise of its functions, powers, and duties, must be reinstated.

ADMISSIBILITY OF CONFESSIONS, REVIEWABILITY OF CONFESSIONS IN STATE CASES, ADMISSIBILITY IN EVIDENCE OF EYEWITNESS TESTIMONY, AND PROCEDURES ON OBTAINING WRITS OF HABEAS CORPUS

I do not intend to discuss the sections of title II in any detail. The distinguished chairman of the Criminal Laws Subcommittee [Mr. MCCLELLAN] has covered it in excellent fashion. In addition, my distinguished colleague from North Carolina [Mr. ERVIN] will undoubtedly explain the legal, constitutional, and practical factors that dictate the committee position on these provisions.

Title II bolsters the administration of criminal justice through changes in the law. As important as money, the framework within which our law officers, prosecutors, and courts function can either aid or deter effective law enforcement. The effectiveness of law enforcement, in turn, will discourage or encourage crime.

ELECTRONIC SURVEILLANCE

The need to arm law-enforcement officials with electronic devices has been clearly established in the area of national security and organized crime.

Supreme Court decisions approve electronic surveillance upon compliance with certain specified constitutional require-

ments. Title III is in conformity with the requirements called for.

I doubt that many people will question the need to employ such devices in the interest of national security. The defense of our Nation requires that we use what weapons we have. Obviously, crimes such as espionage, sabotage, and subversion, are difficult to trace. Witnesses are few and the perpetrators' organization is tightly knit. Finally, the results of their activity can be disastrous.

The Congress owes to the people of the United States a duty to see that every constitutional weapon in our arsenal is employed against organized crime and in defense of the national security. There is no excuse for refusing to wage all-out war in defense of our institutions and our people.

FIREARMS CONTROL

Title IV, like its predecessor, S. 1—amendment No. 90, is fundamentally objectionable. The two instances in which coverages of long guns were eliminated from amendment No. 90 do not lessen its many objectionable features.

There are more than 50 provisions of the bill—including several key regulatory provisions—in which long guns are still included.

Some of the major objections to title IV will not be discussed:

First, the title prohibits some presently legitimate methods and avenues of commerce in firearms. This is an objectionable and harmful approach for several basic reasons. It would be a precedent for leading to further elimination of additional legitimate sales channels. It confers a monopoly power in remaining avenues of commerce. It would substantially prejudice the lawful owner and user because of increased cost incurred in buying new arms; and because in parts of America it would make purchase of guns difficult, and in some instances would prevent acquisition.

Second. Another basic defect of the regulatory scheme in title IV and in the administration proposal is the fact that the remaining commercial firearms dealers would be subjected to severe Federal criminal sanctions without the ability to safeguard or protect themselves against liability.

Under title IV all sales in technical violation of State law or city ordinance would become Federal offenses. This means imposition of duties and burdens on dealers far beyond reasonable commercial practice.

In the new section 925(d) of title IV, severe restrictions are placed on the importation of firearms. In the case of destructive devices, National Act weapons, and military surplus handguns, there are total prohibitions. In the case of military surplus long guns and other commercially manufactured firearms, they are importable only if they are generally recognized as "particularly suitable for or readily adaptable to sporting purposes."

For more than a decade, the New England firearms manufacturers have been engaged in various attempts to restrict or eliminate competition from foreign sources. In the past several years, however, with imports of military surplus on the decline and many of the manufacturers obtaining firearms from foreign subsidiaries, interest by the industry in banning imports or restricting them has somewhat waned. However, since President Kennedy was assassinated with a military surplus weapon, repeated attempts have been made to justify embargoes because this particular type of weapon was used in the commission of the heinous crime.

Domestic gun-control legislation is no place to attempt to impose protectionist views on foreign trade policy. More importantly, the standard imposed for allowing imports would arm the Secretary of the Treasury with broad discretionary powers, but would be virtually meaningless.

PRINCIPAL PROVISIONS OF HRUSKA SUBSTITUTE FOR TITLE IV OF S. 917

The major provisions of amendment No. 708 are:

PART A—FEDERAL FIREARMS ACT AMENDMENTS

First, no manufacturer or dealer may ship, in interstate commerce, any firearm—including rifle and shotgun—to any person in violation of applicable State law or published local ordinance.

Second, no person may transport into his State of residence, any firearm—including rifle and shotgun—acquired by him outside the State, if the acquisition or possession of such firearm is unlawful in the place of his residence.

Third, no carrier may deliver any handgun to a person under 21 years of age or any rifle or shotgun to a person under 18.

Fourth, the purchaser of a handgun through the mails, or over the counter if not in his own State, must submit an affidavit of eligibility to purchase to the seller. The dealer then sends a copy to the purchaser's local law-enforcement agency. The seller then waits at least 1 week from receipt of notice from the local law-enforcement agency before shipping the handgun to the purchaser. If objection to the sale is made by the law-enforcement agency on grounds that the proposed sale would violate applicable law, then the dealer must not make the sale.

Fifth, requirements for obtaining a Federal firearms license are substantially strengthened and license fees increased.

Sixth, the penalties for violation of the Federal Firearms Act are increased to maximums of 10 years and $10,000 fine, but convicted offenders are made eligible for parole as the Board of Parole may determine.

PART B—NATIONAL FIREARMS ACT AMENDMENTS

First, destructive devices such as rockets, bazookas, heavy field artillery, and the like are placed within the framework of the National Firearms Act of 1934. This act now strictly regulates machineguns and sawed-off rifles and shotguns by Federal registration, and heavy transfer taxes—$200—of each sale or transfer are required.

Second, the purchaser's local police agency is notified of each sale or transfer of these weapons.

Third, dealers cannot sell national act weapons to persons under 21.

Fourth, it is a Federal crime for anyone to bring a national act weapon into his State of residence in violation of State law.

Fifth, the penalties for violation of the National Firearms Act are increased to maximum of 10 years and $10,000 fine.

AMENDMENT NO. 708 IS A WORKABLE BILL

The regulatory formula contained in amendment No. 708 is workable and capable of being enforced. Every gun dealer will know what requirements he must meet before a sale can be made.

If a dealer sells a handgun through the mails or over the counter to an out-of-State resident, the buyer must submit a sworn statement to the dealer disclosing the material facts of the transaction. This statement carries heavy Federal penalties—tougher than for making a false statement on an income tax return—if a false statement is made. The dealer must then send a copy of the statement to the buyer's police chief for verification and must wait at least 7 days after being notified that the chief has received or refused to accept the statement. If the dealer is notified by the police or knows of some reason why the sale is in violation of applicable State law or local ordinance, then it is a Federal crime for him to complete the sale.

This same procedure could be utilized by any Federal dealer for any sale of any firearm including rifles and shotguns if he wants. It would be a Federal crime for any person to make a false statement to any dealer in connection with the purchase of any firearm. If the dealer wants to require a sworn statement for all of his sales he can.

Thus, the dealer can establish the bona fides of any proposed sale. The police are given timely notice of sales and can take whatever action is appropriate in accordance with State or local law.

If a State wants to regulate firearms by requiring purchase permits, licenses, registration or whatever regulatory system it desires, it can. Amendment No. 708 expressly provides that it is a Federal crime for any dealer or person to ship a gun—any gun—into a State in violation of the law of that State. Thus, Federal law effectively complements—not supplants—State law.

ADJOURNMENT UNTIL MONDAY

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the order of Thursday, May 2, 1968, that the Senate adjourn until 12 noon on Monday, next.

The motion was agreed to; and (at 3 o'clock and 52 minutes p.m.) the Senate adjourned until Monday, May 6, 1968, at 12 noon.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 3, 1968:

IN THE COAST GUARD

The nominations beginning Roger L. Kennedy, to be lieutenant (junior grade), and ending Wayne Young, to be ensign, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on April 10, 1968.